



PROVINCE OF THE EASTERN CAPE  
IPHONDO LEMPUMA KOLONI  
PROVINSIE OOS-KAAP

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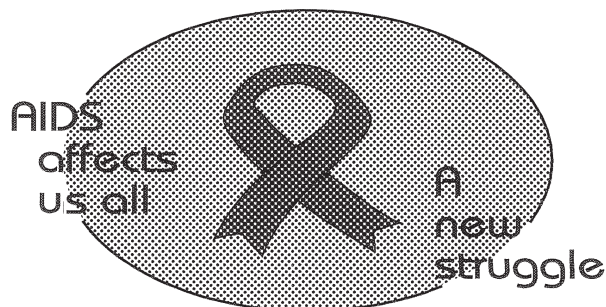
Vol: 28

BISHO/KING WILLIAM'S TOWN

14 June 2021  
14 Junie 2021

No: 4578

**We all have the power to prevent AIDS**



**AIDS  
HELPLINE**

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DEPARTMENT OF HEALTH

**Prevention is the cure**

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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS****GENERAL NOTICE 18 OF 2021**

Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

ERF 947, MILL PARK, PORT ELIZABETH, EASTERN CAPE.

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that condition/s C4(b), (c) and (d) in Deed of Transfer No. T9319/2016 applicable to Erf 947 Mill Park is/are hereby removed.

**GENERAL NOTICE 19 OF 2021****Nelson Mandela Bay Municipality (EASTERN CAPE)**

**Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

**ERF 2833, NEWTON PARK, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that condition/s **C.3 - C.10** in Deed of Transfer No. **T4291/2018** and any subsequent Deed applicable to Erf **2833 Newton Park** is/are hereby removed.

**PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS****PROVINCIAL NOTICE 68 OF 2021**

Ntabankulu Local Municipality, hereby, in terms of section 6 of the Local Government: Municipal Property Rates Act No 6 of 2004 as amended has by way of a Council Resolution adopted the Municipality's Property Rates By-Law set out hereunder.

**NTABANKULU LOCAL MUNICIPALITY****MUNICIPALITY PROPERTY RATES BY-LAW****1. PREAMBLE**

The Municipal Property Rates Act No. 6 of 2004 (MPRA) requires municipalities to develop and adopt rates policies and by-laws consistent with the Act on the levying of rates on rateable property in the municipality.

WHEREAS section 229(1) of the Constitution requires a municipality to impose rates on property and surcharges on fees for the services provided by or on behalf of the municipality.

AND WHEREAS section 13 of the Municipal Systems Act read with section 162 of the Constitution requires a municipality to promulgate municipal by-laws by publishing them in the gazette of the relevant province.

AND WHEREAS section 6 of the Local Government: Municipal Property Rates Act, 2004 requires a municipality to adopt by-laws to give effect to the implementation of its property rates policy; the by-laws may differentiate between the different categories of properties and different categories of owners of properties liable for the payment of rates.

**2. LEGISLATIVE CONTEXT**

(1) Section 229(1) of the Constitution authorizes a municipality to impose rates on property and surcharges on fees for services provided by or on behalf of the municipality.

(2) Section 13 of the Systems Act read with section 162 of the Constitution require a municipality to promulgate municipal by-laws by publishing them in the gazette of the relevant province,

(3) In terms of section 3 of the Property Rates Act, a municipal council must adopt a policy consistent with the Property Rates Act on the levying of rates on rateable properties in the municipality.

(4) In terms of section 6(1) of the Property Rates Act, a municipality must adopt by-laws to give effect to the implementation of its rates policy.

(5) In terms of section 6(2) of the Property Rates Act, by-laws adopted in terms of section 6(1) may differentiate between different categories of properties; and different categories of owners of properties liable for the payment of rates.

(6) The Constitution enjoins local government to be developmental in nature, in addressing the service delivery priorities of our country and promoting the economic and financial viability of our municipalities and in general to meet its obligations in terms of section 152 of the Constitution of the Republic of South Africa, 1996.

### 3. DEFINITIONS

In this By-Law, any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, (Act 6 of 2004) shall bear the same meaning unless the context indicates otherwise.

**"Municipality"** means the Ntabankulu Local Municipality.

**"Property Rates Policy"** means the Property Rates Policy adopted by the Municipality in terms of this By-Law.

**"Constitution"** means the Constitution of the Republic of South Africa.

**"Council"** means the Council of the Municipality.

**"Credit Control and Debt Collection Policy"** means the Municipality's Credit Control and Debt Management Policy as stipulated by sections 96(b) and 97 of the Systems Act.

**"Systems Act"** means the Local Government: Municipal Systems Act, (Act 32 of 2000).

**"Property Rates Act"** means the Local Government: Municipal Property Rates Act, (Act 6 of 2004) including the amendment Acts and Regulations pertaining to the same.

**"Rates"** means a municipal rate on property as envisaged in section 229(1)(a) of the Constitution.

### 4. OBJECTS

The object of this By-Law is to give effect to the implementation of the Property Rates Policy as contemplated in section 6 of the Property Rates Act.

These by-laws must be read in conjunction with the above-mentioned policy and within the applicable provisions of the following legislation:

- Local Government: Municipal Systems Act no 32 of 2000
- Local Government: Municipal Finance Management Act no 56 of 2003 and:
- Local Government: Municipal Property Rates Act no 6 of 2004

### 5. THE RATES POLICY:

The municipality prepared and adopted a Rates Policy as contemplated in terms of the provisions of section 3(1) of the Municipal Property Rates Act. The Rates Policy outlines the municipality's rating practices; therefore, it is not necessary for this By-law to restate and repeat same.

The Rates Policy is hereby incorporated by reference in this By-law. All amendments to the Rates Policy as the Council may approve from time to time, shall be deemed to be likewise incorporated.

The Municipality does not levy rates other than in terms of its Rates Policy and the annually promulgated resolution levying rates which reflects the cent amount in the Rand rate for each category of rateable property.

The Rates Policy is available at ...

\*list the places such as the municipality's head office, satellite offices and libraries and electronically e.g. website where members of the public can easily access the Rates Policy because it must be easily accessible to the persons it affects.

## **6. CONTENTS OF RATES POLICY**

The Municipality's Rates Policy shall, inter alia:

(1) Apply to all the rates levied by the Municipality pursuant to the adoption of the Municipality's annual budget.

(2) Comply with requirements for;

(a) the adoption and contents of a property rates policy specified in section 3 of the Property Rates Act.

(b) the differentiation of categories of properties and categories of owners of properties as provided for in section 6 of the Property Rates Act.

(c) the process of community participation specified in section 4 of the Property Rates Act.

(d) the annual review of a property rates policy specified in terms of section 5 of the Property Rates Act.

(3) Specify principles, criteria and implementation measures consistent with the Property Rates Act for the levying of rates which the Council may wish to adopt.

(4) Specify principles, criteria and implementation measures for the judicious granting of relief measures by means of Exemptions, Reductions and/or Rebates consistent with the Property Rates Act which the Council may wish to adopt.

(5) Include such further administrative, control and enforcement mechanisms if any that are consistent with the Property Rates Act and the Systems Act, as the Council may wish to impose in addition to those contained in the Credit Control and Debt Management By-Law and its associated Policy.

## CATEGORIES OF RATEABLE PROPERTIES

Rate's categories may be determined according to, (a) use of the property (b) the permitted use of the property or (c) the combination of (a) and (b) property. The following are categories of property proposed by the Ntabankulu Municipality:

- (a) Residential properties
- (b) Commercial & industrial properties
- (c) Agricultural properties
- (d) Public Service Infrastructure
- (e) Rural Communal Settlements
- (f) State Trust land including:

State Trust Land on which Communal Land as defined in section 1 of the Communal Land Rights Act, 2004 exists.

Properties acquired through the Provision of Land and Assistance Act, or the Land Restitution Act or which is subject to the Communal property Association Act.

- (g) Protected areas.
- (h) Special State-Owned Properties: properties that are owned by National and Provincial Government, used for public benefit purposes and as a rule do not trade regularly in a five-year valuation cycle.
- (i) Municipal Owned Properties
- (j) Schools including Public, Private and Early Childhood Development Centres
- (k) Vacant land (excluding agricultural)
- (l) Specified Development Zones

## **CATEGORIES OF PROPERTIES AND CATEGORIES OF OWNERS OF PROPERTIES**

The Rates Policy provides for categories of properties and categories of owners of properties for the purposes of granting relief measures (exemptions, reductions and rebates) in terms of section 15 of the Act.

### **7. ENFORCEMENT OF RATES POLICY**

The Rates Policy of the Municipality shall be enforced through the Municipality's Credit Control and Debt Management By-Law and its associated Policy and any further enforcement mechanisms stipulated in the Municipality's Property Rates Policy.

### **8. SHORT TITLE and COMMENCEMENT DATE**

This By-Law is the Property Rates By-Law of Ntabankulu Local Municipality and shall take effect upon publication.



## PROVINCIAL NOTICE 69 OF 2021

**SECTION 49 – PUBLIC NOTICE OF THE SUPPLEMENTARY VALUATION ROLL 2020/2021 IN RESPECT OF THE LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT NO 6 OF 2004**

Notice is hereby given, in terms of Section 49 of the Local Government: Municipal Property Rates Act No. 6 of 2004 (hereafter referred to as the “Act”), that the Supplementary Valuation Roll for the period 1 July 2019 to 30 June 2024 is open for public inspection at the Revenue Office, Main Building, Erf 13063, Ngqushwa Local Municipality, Peddie and also the Hamburg Satellite office for the period 17 June 2021 to 30 July 2021, Mondays to Fridays, during office hours, i.e. 08:00 to 16:30; as well as on the Ngqushwa Local Municipality’s website, [www.ngqushwamun.gov.za](http://www.ngqushwamun.gov.za) NB!!!

**ALL PERSONS ARE ENCOURAGED TO MAKE USE OF OUR WEBSITE AND EMAILS TO RETRIEVE AND SUBMIT INFORMATION AS OPPOSED TO A PHYSICAL VISITS DUE TO COVID 19.**

Property owners or other persons are hereby invited, in terms of Section 49 of the Act, to lodge an objection at the municipality in respect of any matter reflected in, or omitted from, the Supplementary Valuation Roll within the abovementioned period.

Attention is specifically drawn to the fact that in terms of Section 50(2) of the Act, an objection must be in relation to a specific individual property and not against the Valuation Roll as such.

Objection forms are obtainable at the municipality and Hamburg satellite office, or on the Ngqushwa Local Municipality’s website, [www.ngqushwamun.gov.za](http://www.ngqushwamun.gov.za)

Completed forms must be returned to:  
Ngqushwa Local Municipality or Hamburg Satellite office  
Erf 313/13063, Cnr of N2 & R345  
Ngqushwa Local Municipality  
Peddie  
5640

For enquiries, please contact Mr P. Mzaca on 040 673 3095 or email to [pmzaca@ngqushwamun.gov.za](mailto:pmzaca@ngqushwamun.gov.za)

Closing date for submission of objections: Friday, 30 July 2021 BEFORE 16:00

**MR N MGENGO  
MUNICIPAL MANAGER**

Erf 313 • Main Road • Peddie • 5640 • P.O Box 539 • Peddie • 5640 • tel: (040)-6733095 • fax: (040)-6733771

## PROVINCIAL NOTICE 70 OF 2021



## TARIFF STRUCTURE 2021/2022

## PROMULGATION OF RESOLUTION LEVYING RATES FOR EACH TARIFF CATEGORY APPLICABLE TO NGQUSHWA LOCAL MUNICIPALITY

The Council of Ngqushwa Local Municipality has in accordance to the Municipal Property Rate Act no 6 of 2004 , section 14 (1) and subsection (2) passed a resolution on levying the following rates tariffs in terms of the following categories for the financial year 2021/2022

	2020/2021		2021/2022	
	TARIFFS	INCREASE	TARIFFS VAT EXCL	TARIFFS VAT INCL
		3.9 %		
<b>1 RATES</b>				
<u>Annual rates of cent in the rand will be levied on all valued properties as follows</u>				
1.1 Commercial, Industrial, Wind/Solar Farms, Mining and Special Properties	R0.0210		R0.0219	R0.0219
1.2 Residential / Vacant land	R0.0105		R0.0109	R0.0109
1.3 Municipal (NB. Municipal Buildings, Public Open Space & Municipal Public Service (exempted) Infrastructure must be totally exempt from rates)	R0.0000		R0.0000	R0.0000
<u>Farming</u>				
1.4 Agricultural land	R0.0026		R0.0028	R0.0028
1.5 PIS (Public Infrastructure Services)	R0.0026		R0.0028	R0.0028
1.6 Farms (Small Holdings)	R0.0105		R0.0109	R0.0109
1.7 Properties Owned By An Organ Of State And Used For Public Service Purpose	R0.0407		R0.0407	R0.0407
<b>2 REFUSE REMOVAL SERVICE</b>	<b>2020/2021</b>		<b>2021/2022</b>	
2.1 Refuse removal: Households/month	R100		R104	R119
<u>Business</u>				
2.2 Commercial Business (Supermarkets, wholesale etc)	R839		R872	R1,003
2.3 General Medium Business (Hardware, Retail Shops etc.)	R608		R632	R727
2.4 General Small Business (Shops)	R278		R289	R332
2.5 Refuse removal: Businesses/month	R121		R126	R145
<u>Flats/Property to rent</u>				
2.6 Refuse Removal:per room	R0		R0	R0
<u>Institutions</u>				
2.7 Category 1: Nompumelelo Hospital	R8,546		R8,879	R10,211
2.8 Category 2: Schools, Clinics, Police Station and other Government entities	R367		R381	R439
<u>Holiday/Short-term accomodation</u>				
2.9 Mpekweni Beach Resort	R8,917		R9,264	R10,654
2.10 Fish River Sun	R9,149		R9,506	R10,932
2.11 B & B and Flats	R309		R322	R370
<u>Disposal at Santa refuse site</u>				
2.12 Garden refuse per month	R163		R169	R194
2.13 Building rubble per month	R441		R458	R526
2.14 Private residents/ Business 0-1 ton per load	R100		R104	R119
<b>3 CEMETERY FEES</b>	<b>2020/2021</b>		<b>2021/2022</b>	

Person resident in the town at the time of death				
3.1 Adult per site	R381	R396	R59	R455
3.2 Child per site	R124	R128	R19	R148
3.3 Digging of grave by the municipality	R660	R686	R103	R789
For purposes of this publication "adult" means a person who at the time of death has reach the age of 12 years				
<b>4 HALL HIRE</b>	<b>2020/2021</b>		<b>2021/2022</b>	
4.1 Hamburg Hall Hire p/day	R973	R1,011	R152	R1,163
4.2 Hamburg Hall Hire - Refundable deposit	R330	R343	R51	R394
4.3 Ncumisa Kondlo Indoor Sport Centre p/day	R2,934	R3,048	R457	R3,506
4.4 Ncumisa Kondlo Indoor Sport Centre - Refundable deposit	R1,046	R1,087	R163	R1,250
<b>5 POUND FEES</b>	<b>2020/2021</b>		<b>2021/2022</b>	
<u>Transport fee for all animals</u>				
5.1 Delivery to the pound one or more to the pound, per km	R11	R12	R2	R13
5.2 Herding by private person, per km	R7	R8	R1	R9
<u>Subsistence Fee (per Head, per Day)</u>				
5.3 Horses , Donkey,Cow, Pigs, Sheep and Goats	R20	R21	R3	R24
<u>Pound Fees ( Per Herd)</u>				
5.4 Horses , Donkey,Cow, Pigs, Sheep and Goats	R43	R45	R7	R52
5.5 Sheep and Goats	R23	R24	R4	R28
<b>6 BUILDING PLAN APPLICATION FEES</b>	<b>2020/2021</b>		<b>2021/2022</b>	
6.1 Dwelling	R3,938	R4,938	R741	R5,679
6.2 Outbuilding	R3,273	R4,273	R641	R4,914
6.3 Flat,Townhouse and Hotels	R4,408	R5,408	R811	R6,219
6.4 Shops	R4,407	R5,407	R811	R6,218
6.5 Offices	R4,407	R5,407	R811	R6,218
6.6 Carports	R1,150	R2,150	R323	R2,473
6.7 Pools	R100	R320	R48	R368
6.8 Patios,Pergolas and Sun Decks	R1,150	R2,150	R323	R2,473
6.9 Basement Parking	R0	R4,344	651.6	R4,996
<u>Factories and warehouses:</u>				
6.10 First 5000m2	R2,935	R3,935	R590	R4,525
6.11 Over 5000m2	R2,474	R3,474	R521	R3,995
6.12 Drainage only plans	R1,135	R1,179	R177	R1,356
6.13 Street Deposit	R209	R217	R33	R250
6.14 Minimum Building Plan Fee	R1,230	R1,278	R192	R1,470
6.15 Minor Works	R0	R272	R41	R313
<u>Energy and Telecommunications Development</u>				
6.16 Wind and Solar Farm Facilities	R0	R13,500	R2,025	R15,525
6.17 Application for Telecommunication Towers	R11,797	12,257	R1,839	R14,096
<b>7 TOWN PLANNING FEES</b>	<b>2020/2021</b>		<b>2021/2022</b>	
<b>Category 1</b>				
<u>Land Use Application Type</u>				
<u>Rezoning Application</u>				
7.1 Erven 0 – 2500 m2	R3,396	R3,528	R529	R4,057
7.2 Erven 2501 – 5000 m2	R5,447	R5,660	R849	R6,509
7.3 Erven 5001 – 10 000 m2	R9,848	R10,232	R1,535	R11,767
7.4 Erven 1 ha – 5 ha	R12,779	R13,277	R1,992	R15,269
7.5 Erven over 5 ha	R17,733	R18,425	R2,764	R21,189
<u>Subdivision application</u>				
7.6 Basic Fees	R2,645	R2,748	R412	R3,160
7.7 Charge per subdivision (remainder considered a subdivision)	R146	R151	R23	R174
7.8 Subdivisions into more than 80 erven (Township Establishment)	R13,269	R13,786	R2,068	R15,854
7.9 Extension of time	R436	R453	R68	R521
<u>Amendment of an application</u>				

7.10	If already approved by the municipality				
7.11	If not yet approved by the municipality				
		<b>2020/2021</b>	<b>2021/2022</b>		
	<b><u>Phasing/cancellation of approved layout</u></b>				
7.12	Basic fee	R1,671	1,736	R260	R1,997
	<b><u>Removal, amendment, suspension of a restrictive or obsolete condition, servitude or reservation against the title of land</u></b>				
7.13	Basic fee	R2,347	2,438	R366	R2,804
	<b><u>Amendment or cancellation of a general plan of a township</u></b>				
7.14	Basic fee	R1,841	1,913	R287	R2,200
	<b><u>Permanent closure of public place or public road/street</u></b>				
7.15	Charge per closure	R557	579	R87	R666
	<b><u>Development on communal land</u></b>				
7.16	Basic fee	R5,342	5,550	R832	R6,382
	<b><u>Category 2</u></b>				
	Land Use Application Type				
	Rezoning Application				
7.17	Erven 0 – 2500 m2	R2,347	2,438	R366	R2,804
7.18	Erven 2501 – 5000 m2	R4,398	4,570	R685	R5,255
7.19	Erven 5001 – 10 000 m2	R8,799	9,142	R1,371	R10,513
7.20	Erven 1 ha – 5 ha	R12,156	12,630	R1,894	R14,524
7.21	Erven over 5 ha	R17,733	18,425	R2,764	R21,189
		<b>2020/2021</b>	<b>2021/2022</b>		
	<b><u>Subdivision application</u></b>				
7.22	Basic Fees	R2,014	20,925	R3,139	R24,064
7.23	Charge per subdivision (remainder considered a subdivision)	R146	151	R23	R174
7.24	Subdivisions into more than 80 erven (Township Establishment)	R13,269	13,786	R2,068	R15,854
7.25	Extension of time	R436	453	R68	R521
	<b><u>Amendment of an application</u></b>				
7.26	If already approved by the municipality				
7.27	If not yet approved by the municipality				
	<b><u>Phasing/cancellation of approved layout</u></b>				
7.28	Basic fee	R1,671	1,736	R260	R1,997
	<b><u>Removal, amendment, suspension of a restrictive or obsolete condition, servitude or reservation against the title of land</u></b>				
7.29	Basic fee	R2,347	2,438	R366	R2,804
	<b><u>Amendment or cancellation of a general plan of a township</u></b>				
7.30	Basic fee	R1,841	1,913	R287	R2,200
	<b><u>Permanent closure of public place or public road/street</u></b>				
7.31	Charge per closure	R557	579	R87	R666
	<b><u>Special Consent Use</u></b>				
7.32	Basic fee	R2,347	2,438	R366	R2,804
	<b><u>Application for departure from building lines and Spaza Shop application fees:</u></b>	<b>2020/2021</b>	<b>2021/2022</b>		
7.33	Erven smaller than 500 m2	R292	303	R45	R348
7.34	Erven 500 – 750m2	R565	587	R88	R676
7.35	Erven larger than 750 m2	R1,131	1,175	R176	R1,351
	<b><u>Departures other than building lines and spaza shops</u></b>				
7.36	Erven smaller than 500 m2	R2,014	587	R88	R676
7.37	Erven 500 – 750m2	R565	1,175	R176	R1,351
7.38	Erven larger than 750 m2	R1,131	2,093	R314	R2,407
	<b><u>Consolidation of erven not (non-exempted)</u></b>				
7.39	Basic Fee	R2,203	2,289	R343	R2,632
	<b><u>Miscellaneous Fees</u></b>				
7.40	Public hearing and inspection	R3,652	3,794	R569	R4,363

7.41 Reason for decision of municipal planning tribunal, land development officer or appeal authority	R1,856	1,928	R289	R2,217
7.42 Re-issuing of any notice of approval of any application	R270	280	R42	R322
7.43 Deed search and copy of the title deed	R171	178	R27	R204
7.44 Way leave application (application to determine where the Council's services are located or a specific area located or a specific area where new services are to be installed)	R2,632	2,735	R410	R3,145
7.45 Any other application not provided for elsewhere in this schedule of fees	R3,652	3,794	R569	R4,363
7.46 Zoning Certificate	R79	82	R12	R94
7.47 Spatial Development Framework Documents	R138	144	R22	R165
7.48 Town Planning Scheme – Document	R1,389	1,443	R216	R1,659
7.49 Advertising on boards (rate per square meter)	R0	81	R12	R93
<b>8 GENERAL TARIFFS</b>	<b>2020/2021</b>		<b>2021/2022</b>	
8.1 Clearance certificate	R105	109	R16	R126
8.2 Valuation certificate	R105	109	R16	R126
8.3 Tender document fees from R 30 000-R 200 000(printed hard copy)	R210	218	R33	R251
8.4 Tender document fees from R 201 000 - R 2 000 000(printed hard copy)	R367	381	R57	R439
8.5 Tender document fees from R 2 000 000 - 5 000 000(printed hard copy)	R525	545	R82	R627
8.6 Above R 5 000 000 - (printed hard copy)	R1,049	1,090	R163	R1,253

### PROVINCIAL NOTICE 71 OF 2021

#### Buffalo City Metropolitan Municipality (Eastern Cape)

Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act,2013 (Act 16 of 2013)

#### ERF 160 BEACON BAY (17 BONZA BAY ROAD), EASTERN CAPE

Approval is granted under Section 47(1) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning and Land Use Management Bylaw of 2016, for the removal of restrictive title conditions C 4 (a-d) found in Deed of Transfer No. T2162/2017, pertaining to Erf 160 Beacon Bay.

### PROVINCIAL NOTICE 72 OF 2021

#### Buffalo City Metropolitan Municipality (Eastern Cape)

Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act,2013 (Act 16 of 2013)

#### ERF 7743 EAST LONDON (6 BROWNLEE ROAD), EASTERN CAPE

Approval is granted under Section 47(1) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning and Land Use Management Bylaw of 2016, for the removal of restrictive title conditions C(1)(a-d) and C(2)(e) found in Deed of Transfer No. T5210/1994, pertaining to Erf 7743 East London.

**PROVINCIAL NOTICE 73 OF 2021****PRIVATE PROPOSAL: REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND BUILDING LINE DEPARTURE FOR ERF 481, BEACON BAY, 48 PELL STREET**

In terms of Section 47(1) of Spatial Planning and Land Use Management Act No.16 of 2013, read with Section 59 of Buffalo City Municipality Spatial Planning and Land Use Management Bylaw of 2016, approval is hereby granted for removal of restrictive title conditions C.3. from Deed of Transfer 4077/2017 pertaining to Erf 481 Beacon Bay.

Approval is hereby also granted in terms of Section 15 of the Land Use Planning Ordinance 15 of 1985 as well as in terms of Section 64 of By-Law pertaining the Spatial Planning and Land Use Management Act (Act16 of 2013), namely to permit relaxation of street building line from 4.5m to 1m, Pell Street, in order to permit a garage.

Regards  
Daniel Hogah  
0735033026

## LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

## LOCAL AUTHORITY NOTICE 133 OF 2021



## OR TAMBO DISTRICT DRAFT SPATIAL DEVELOPMENT FRAMEWORK (SDF)

Notice is hereby given in terms of Section 20 (3) (a) and (b) of the Spatial Planning and Land Use Management Act (SPLUMA) 2013 (Act 16 of 2013) known as SPLUMA and read together with Section 28 (3) of the Municipal Systems Act of 2000, that the OR Tambo District Municipality has prepared a draft Spatial Development Framework (SDF).

The Spatial Development Framework is a long-term forward planning strategic and policy framework which spatially provide the direction regarding the growth and development path of the municipality. The SDF is the key component of Integrated Development Plan (IDP) as stated in section 26 (e) of the Municipal Systems Act of 2000 which the municipality is obliged to adopt. It will also be used as a policy framework tool to guide decision making, aimed at the creation of sustainable, integrated and economically viable settlements.

Public comments are requested or inputs on the Draft SDF for ORTDM. The Draft SDF can be found on the website [ortambodm@ortambodm.org.za](mailto:ortambodm@ortambodm.org.za) and copies will lie open for inspection during normal office hours for 60 days from date of publication of this notice at the at O.R Tambo District Municipality House Office G22 , Nelson Mandela Drive, Mthatha.

Any comment/representation/objection in respect of the Draft SDF may be submitted in writing for the attention to Mr. S. Ndamase, Manager Spatial Planning ((047) 501 6460) or [sihlewelcome@webmail.co.za](mailto:sihlewelcome@webmail.co.za) within 60 days from date of publication of this notice. Any enquiries may also be directed to the above persons.

MR SIHLE NDAMASE: SPATIAL PLANNING MANAGER, OR TAMBO DISTRICT MUNICIPALITY HOUSE, MTHATHA, 5100.

## OR TAMBO DISTRICT DRAFT SPATIAL DEVELOPMENT FRAMEWORK (SDF)

Isaziso sinikezelwa ngokweCandelo lama-20 (3) (a) kunye (b) loMthetho woCwangciso loMhlaba kunye noMthetho woLawulo lokuSetyenziswa koMhlaba (SPLUMA) 2013 (Umthetho 16 ka-2013) owaziwa njenge-SPLUMA kwaye ufundwe kunye neCandelo lama-28 (3) yoMthetho weeNkqubo zikaMasipala wowama-2000, ukuba uMasipala weSithili i-OR Tambo ulungiselele uyilo lweNkqubo-sikhokelo yoPhuhliso lweNdawo (i-SDF).

Inkqubo-sikhokelo yoPhuhliso lweMhlaba yinkqubo yexesha elide ecwangciswe ngobuchule nomgaqo-nkqubo obonelela ngomkhomba-ndlela ngokubhekisele ekukhuleni nasekuphuhliseni kwendlela kamasipala. I-SDF lelona candelo liphambili lesiCwangciso soPhuhliso oluHlanganisiweyo (IDP) njengoko kuchaziwe kwicandelo lama-26 (e) loMthetho weeNkqubo zikaMasipala wowama-2000 umasipala anyanzelekileyo ukuba awamkele. Iza kusetyenziswa njengesixhobo somgaqo-nkqubo esikhokela ukwenziwa kwezinqubo, esijolise ekudaleni iindawo zokuhlala ezinzileyo, ezimanyanisiweyo nezinoqoqosho.

Izimvo zoluntu ziyacelwa okanye amagalelo kwi-SDF eYilwayo ye-ORTDM. Iikopi zeDrafti yeSDF ziyavela kwiwebsite [ortambodm@ortambodm.org.za](mailto:ortambodm@ortambodm.org.za) kwaye ikopi kuthi zivulwe ukuze zihlolwe ngamaxesha omsebenzi eentsuku ezi-60 ukusukela kumhla wopapasho lwesi saziwo e-O.R Tambo House House kuOffice G22, eNelson Mandela Drive, eMthatha.

Naluphi na uluvo / umelo / inkcaso malunga neDrafti yeSDF ingangeniswa ngokubhaliweyo ukuze iqwalaselwe nguMnu S. Ndamase, uMphathi woCwangciso lweZithuba ((047) 501 6460) okanye [sihlewelcome@webmail.co.za](mailto:sihlewelcome@webmail.co.za) kwithuba lama 60 kwiintsuku ukusukela kumhla wopapasho lwesi saziwo. Nayiphi na imibuzo ingabhekiswa kwaba bantu bangasentla.

MR SIHLE NDAMASE: SPATIAL PLANNING MANAGER, OR TAMBO DISTRICT MUNICIPALITY HOUSE, MTHATHA, 5100

**LOCAL AUTHORITY NOTICE 134 OF 2021**

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Web : [www.umzimvubu.gov.za](http://www.umzimvubu.gov.za)



**UMZIMVUBU**  
LOCAL MUNICIPALITY

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**UMZIMVUBU LOCAL MUNICIPALITY**

**STANDARD BY-LAWS RELATING TO NOISE CONTROL**

**UMZIMVUBU LOCAL MUNICIPALITY**

UPHUHLISO KUMNTU WONKE

Vision 2030





## Noise Control By laws

The Municipal Manager wishes to publish in terms of sec 13 of Local Government: Municipal Systems Act 32 of 2000 read with section 162 of the Constitution of the Republic of South Africa 108 of 1996, the By laws relating to Noise Control will come into operation once they have been adopted, approved by the Council and are published in the Eastern Cape Provincial Gazette.

### PREAMBLE

**WHEREAS** the Council of the Municipality with the Legislative Power in terms of the Constitution of the Republic of South Africa 108 of 1996 and **WHEREAS** the Council of the Municipality in the execution of its functions has the right to control noise in the Municipal Area for the benefit of the Citizens or Visitors of the Municipality, therefore be it promulgated by the Council as follows;

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1. Definitions
2. Application of these By laws
3. Powers of the Local Authority
4. Prohibition of noise nuisance
5. Utilization of measuring instruments
6. Exemptions
7. Attachment
8. Penalties
9. Commencement

#### 1. Definitions

In these by laws any word or expression to which a meaning has been assigned in the Regulations of the Act shall have the same meaning so assigned to it and unless the context otherwise indicates.

**REGULATIONS** shall mean the Noise Control Regulations in terms of section 25 of the ENVIRONMENT CONSERVATION ACT 73 OF 1989.

**The Act** means the Environment Conservation Act, 1989 (Act No 73 of 1989)

**Authorized official** means:

- (a) An official who has been authorized by the Council to administer, implement and enforce the provisions of these by laws.
- (b) A peace officer contemplated in section 334 of the Criminal Procedure Act 51 of 1977.

**Ambient sound level** means the reading on an integrating impulse sound level meter taken at a measuring point in the absence of any alleged disturbing noise at the end of a total period of at least 10 minutes, after such meter has been put into operation;

**Animal** also include bovine, birds and poultry;

**Controlled area** means a piece of land designated by a local authority where, in the case of-

- (a) Road transport noise in the vicinity of a road-
- (i) The reading on an integrating impulse sound level meter, taken outdoors at the end of a period extending from 06:00 to 24:00 while such meter is in operation, exceeds 65 Dba; or
- (ii) The equivalent continuous W- weighted sound pressure level at a height of at least 1.2 meters but not more than 1.4 meters, above the ground for a period extending from 06:00 to 24:00 as calculated in accordance with SABS 0210 -1986, titled `Code of Practice for calculating and predicting road traffic noise published under Government Notice NO 358 OF 20 February 1987 and projected for a period of 15 years following the date on which the Local Authority has made such designation, exceeds 65 Dba;
- (b) Aircraft noise in the vicinity of airfield , the calculated noisiness index, projected for a period of 15 years following the date on which the Local Authority has made such designation, exceeds 65 Dba or;
- (c) Industrial noise in the vicinity of an industry-
- (i) The reading on an integrating impulse sound level meter, taken outdoors at the end of a period of 24 hours whilst such meter is in operation, exceeds 61 Dba;
- Or
- (ii) The calculated outdoor equivalent continuous W-weighted sound pressure level at height of at least 1.2 meters, but not more than 1.4 meters, above the ground for a period of 24 hours, exceeds 61 Dba;

**Dba** means the value of the sound pressure level in decibels, determined using a frequency weighting network.

**Disturbing noise** means a noise level which exceeds the zone sound level or, if no zone sound level has been designated, a noise level which exceeds the ambient sound level at the same measuring point by 7 Dba or more;

**Erect** means alter, convert, extend or re-elect;

**Integrating impulse sound meter** means a device which integrates a function of the root mean square value of sound pressure over a period of time while it is set on L- time weighting and indicates the result in Dba;

**Measuring point**, relating to-

- (a) **A piece of land from which an alleged disturbing noise emanates**, means a point outside the property projection plane where an alleged disturbing noise, in the opinion of a local authority shall be measured in accordance with the provisions of section 6;
- (b) **A building with more than one occupant**, means a point in or outside the building where an alleged disturbing noise, in the opinion of local authority, shall be measured in accordance with the provisions of regulation 6 and
- (c) **A stationary vehicle** means a point as described in SABS 0181-1981, titled Code of Practice for the measurement of noise emitted by road vehicles when stationary published under General Notice 463 of 9 July 1982 where a measuring microphone shall be placed;

**Noise Level** means the reading on an integrating impulse sound level meter taken at a measuring point in the presence of any alleged disturbing noise at the end of a total period of at least 10minutes after such meter had been put into operation, and if the alleged disturbing noise has a discernible pitch, to which 5 Dba has been added;

**Noise Nuisance** means any sound which disturbs or impairs or may disturb or impair the convenience or peace of any person;

**Noisiness Index** means a number expressed in DbA defined in SABS 0117-1974, titled: Code of Practice for the determination and limitation of disturbance around an aerodrome due to noise from aeroplanes published under Government Notice 151 of February 1985;

**Plant** means refrigeration machine, air conditioners, fan system, compressor, power generator or pump;

**Property projection plane** means a vertical plane on, and including the boundary line of a piece of land defining the boundaries of such piece of land in space;

Recreational Vehicle also means-

- (a) An off-road vehicle, scrambler, dune buggy or ultra- light aircraft;
- (b) A model aircraft, vessel or vehicle;
- (c) An aircraft or helicopter used for sport or recreational purposes; or
- (d) Any other conveyance or model which in the opinion of a local authority is a recreational vehicle;

**Sound level** means the reading on a sound level meter taken at a measuring point.

**Sound level meter** means a device measuring sound pressure while it is set on W- time weighting and indicates the result in DbA;

**Zone Sound Level** means a derived DbA value determined indirectly by means of a series of measurements, calculations or table readings and designated by local authority for an area.

## 2. Application of these by laws

1. These by laws are applicable on fixed objects, buildings and or mobile instruments including vehicles where there are allegations about noise disturbance.
2. A local authority may;
  - (a) For the purpose of applying and enforcing these by laws, at any reasonable time enter any premises without prior notice;
    - (i) To conduct any appropriate examination, enquiry or inspection as it may deem expedient thereon, and
    - (ii) To take any steps it may deem necessary;
  - (b) In order to determine whether a vehicle using any road in the area of jurisdiction of the local authority, including a private, provincial or national road crossing its area of jurisdiction, complies with the provisions of these by laws, command the owner or person in control of the vehicle-
    - (i) To have any appropriate inspection or test as such authority may deem necessary conducted on the vehicle on a date and at a time and place determined by the local authority in writing;
    - (ii) To stop the vehicle or cause it to be stopped
    - (iii) To have any appropriate inspection or test as such authority may deem necessary conducted on the vehicle.
  - (c) If a noise emanating from a building, premises, vehicle, recreational vehicle or street is a disturbing noise or noise nuisance, or may in the opinion of the local authority concerned be a disturbing noise or noise nuisance, instruct the person causing such noise or who is responsible therefor, or the owner or occupant of such of such building or premises from which or from

where such noise emanates or may emanate, or all such persons, to discontinue or caused to be discontinued such noise, or to take steps to lower the level of the noise to a level conforming to the requirements of these by laws within the period stipulated in the instruction: Provided that the provisions of this paragraph shall not apply in respect of a disturbing noise or noise nuisance caused by rail vehicles or aircraft which are not used as recreational vehicles.

- (d) Before changes are made to existing facilities or existing uses of land or buildings, or before new buildings are erected, in writing require that noise impact assessments or tests are conducted to the satisfaction of that local authority by the owner, developer, tenant or occupant of the facilities, land or buildings, or that, for the purposes of these bylaws, reports or certificates in relation to the noise impact to the satisfaction of that local authority are submitted by the owner, developer, tenant or occupant to the local authority on written demand.
- (e) If excavation work, earthmoving work, pumping work, drilling, construction or demolition work or any similar activity, power generation or music causes a noise nuisance or a disturbing noise, instruct in writing that such work, activity, generation or music be discontinued until such conditions as the local authority may deem necessary have been complied with ;
- (f) Designate a controlled area in its area of jurisdiction or amend or cancel an existing controlled area by notice in the Official Gazette concerned;
- (g) If the owner or person in charge of an animal fails to comply with an instruction referred to in paragraph (c) subject to the relevant provisions of any other law, impound or caused to be impounded such animal;
- (h) Subject to the provisions of section 7 and the appropriate provisions of any other law, attach a vehicle if the sound level of such vehicle exceeds the sound level referred to in section 3 (j) by more than 5Dba;
- (i) In writing request the owner or the person in control of a plant referred to in section 3 (k) to furnish proof to its satisfaction that the plant shall not cause a disturbing noise;
- (j) Impose such conditions as it may deem fit when granting any permission or exemption in terms of these bylaws;
- (k) Incorporate conditions in relation to noise control with the establishment of a new township, in order to implement the objectives of the Act.
- (l) Subject to the appropriate provisions of any other law, place or cause to be placed measuring instruments or similar devices, road traffic signs or notices at any place within its area of jurisdiction for the enforcement of the provisions of these by laws: Provided that road traffic signs and notices be placed on private property only with the permission of the owner;
- (m) Designate zone sound levels for specific areas and for specific times by notice in the Official Gazette concerned.

### **3. Powers of Local Authority**

- (1) A Local Authority may-
  - (a) For the purpose of applying these by laws at any reasonable time enter a premises without prior notice-
    - (i) To conduct any appropriate examination, enquiry or inspection as it may deem expedient thereon; and
    - (ii) To take any steps it may deem necessary;
  - (b) In order to determine whether vehicle using any road in the area of jurisdiction of that local authority , including a private, provincial, national road crossing its area of jurisdiction, complies with the provisions of these by laws, instruct the owner or person in control of the vehicle-
    - (i) To have any appropriate inspection or test as such authority may deem necessary conducted on the vehicle on a date and at a time and place determined by the local authority in writing;
    - (ii) To stop the vehicle or cause it to be stopped;

- (iii) To have any appropriate inspection or test as such authority may deem necessary conducted on the vehicle;
- (c) If a noise emanating from a building, premises, vehicle, recreational vehicle or street is a disturbing noise or noise nuisance, or may in the opinion of a local authority concerned be a disturbing noise or noise nuisance, instruct in writing the person causing such noise or who is responsible therefor, or the owner or occupant of such building or premises from which or from where such noise emanates or may emanate, or such persons, to discontinue or cause to be discontinued such noise, or to take steps to lower the level of the noise to a level conforming to the requirements of these by laws within the period stipulated in the instruction: Provided that the provisions of this paragraph shall not apply in respect of a disturbing noise or noise nuisance caused by rail vehicles or aircraft which are not used as recreational vehicles;
- (d) Before changes are made to existing facilities or existing uses of land or buildings, or before new buildings are erected, in writing require that noise impact assessments or test are conducted to the satisfaction of that local authority by the owner, developer, tenant or occupant of facilities, land or buildings or that for the purposes of regulation 3 (b) or (c), reports or certificates in relation to the noise impact to the satisfaction of that local authority are submitted by the owner, developer, tenant or occupant to the local authority on written demand.
- (e) If excavation work, earthmoving work, pumping work, drilling work, construction work or demolition work or any similar activity, power generation or music causes a noise nuisance or disturbing noise, instruct in writing that such work, activity, generation or music be forthwith discontinued until such conditions as the local authority may deem necessary have been complied with;
- (f) Designate a controlled area in its area of jurisdiction or amend or cancel an existing controlled area by notice in the Official Gazette concerned;
- (g) If the owner or person in charge of an animal fails to comply with an instruction referred to in paragraph (c) subject to the appropriate provisions of any other law, impound or cause to be impounded such animal;
- (h) Subject by more than 5Dba;
- (i) In writing request the owner or the person in control of a plant referred in the by-laws to furnish proof to its satisfaction that the plan shall not cause a disturbing noise;
- (j) Impose such conditions as it may deem fit when granting any permission or exemption in terms of these by laws;
- (k) Subject to the appropriate provisions of any other law, place or cause to be placed measuring instruments or similar devices, road traffic signs or notices at any place within its area of jurisdiction for the enforcement of provisions of these by laws: Provided that road traffic signs and notices be placed on private property only with the permission of the owner;
- (l) Designate zone sound levels for specific areas and for specific times by Notice in the Official Gazette concerned.

#### **4. Prohibition of Noise Nuisance**

- (1) No person shall-
- (a) Cause a noise nuisance, or allow to be caused, by operating or play any radio, television set, drum, musical instrument, sound amplifier, loud speaker system or similar device producing or amplifying sound;
- (b) Offer any article for sale by shouting or ringing a bell, in a manner which may cause a noise nuisance;
- (c) Allow an animal owned or controlled by him to cause a noise nuisance;
- (d) Build, repair, rebuild, modify, operate or test a vehicle, vessel or aircraft on residential premises, or allow it to be built, repaired, rebuilt, modified, operated or tested, if it may cause a noise nuisance;

- (e) Use or discharge any explosive, firearm or similar device which emits impulsive sound, or allow it to be used or discharged, if it may cause a noise nuisance, except with the prior consent in writing of the local authority concerned and subject to such conditions as the local authority may deem necessary;
- (f) On a piece of land designated by a local authority by means of a notice on that piece of land and in the press in both official languages, or in the air- space above that piece of land-
  - (i) Move
  - (ii) about on or in recreational vehicle
  - (iii) Exercise control over recreational vehicle; or
  - (iv) As owner or person in control of the piece of land concerned, allow that on that piece of land, or in the air space above that piece of land-
    - (aa) is being moved about on or in a recreational vehicle; or
    - (bb) control is being exercised over a recreational vehicle, if it may cause a noise nuisance;
- (g) Except in an emergency, emit a sound, or allow a sound to be emitted, by means of a bell, carillon, siren, hooter, static alarm, whistle, loudspeaker or similar device, if it may cause a noise nuisance
- (h) Operate any machinery, saw, sander, drill, grinder, lawnmower, power garden implement or similar device in a residential area, or allow it to be operated, if it may cause a noise nuisance;
- (i) Load, unload, open, shut or in any other way handle a crate, box, container, building material, rubbish container or similar article, or allow it to be loaded, unloaded, opened, shut or handled, if it may cause a noise nuisance;
- (j) Drive a vehicle on a public road in such a manner that it may cause a noise nuisance.

## 5. Use of measuring instruments

- (1) The measurement of Dba in respect of controlled areas, ambient sound levels or noise levels in terms of these by laws shall be done as follows:
  - (a) Outdoor measurements on a piece of land: By placing the microphone of an integrating impulse sound level meter at least 1.2 meters but not more than 1.4 meters, above the ground and at least 3.5 away from walls, buildings or other sound reflecting surfaces and;
  - (b) Indoor measurements in a room or enclosed space, which is not ventilated mechanically: placing the microphone of an integrating impulse sound level meter at least 1.2 meters but not more than 1.4 meters, above the floor and at least 1.2 meters away from the wall, with all the windows and outer doors of the room or enclosed space entirely open: Provided that the windows and doors are closed for indoor measurements rooms and enclosed space which are mechanically ventilated.
- (2) Any person taking readings shall ensure that-
  - (a) The microphone of an integrating impulse sound level meter is at all times provided with a windshield;
  - (b) The measuring instruments are operated strictly in accordance with the manufacturer` instructions and
  - (c) Sound measuring instruments are checked annually by the South African Bureau of Standards or a calibration laboratory approved by the minister in order to comply with the appropriate specifications for accuracy.

## 6. Exemptions

- (1) The provisions of these by laws shall not apply if-
  - (a) The emission of sound is for the purpose of warning people of a dangerous situation; or
  - (b) The emission of sound takes place during an emergency.
- (2) Any person may by means of a written application, in which the reasons are given in full, apply to Umzimvubu local municipality for exemption from any provisions of these by laws.
- (3) An exemption shall, if approved, be granted by a local authority in writing, and the conditions under which and the period for which such exemption is granted, shall be stipulated in such exemption.
- (4) An exemption shall not take effect before the applicant has undertaken in writing to comply with all conditions imposed by a local authority under subsection 3 above: Provided that if activities are commenced before such undertaking has been submitted to Umzimvubu local authority, the exemption shall lapse.
- (5) If any condition of exemption is not complied with, the exemption shall lapse forthwith.

## 7. Attachment

- (1) A vehicle attached under section 2(h) shall be kept in safe place by ULM.
- (2) ULM may lift the attachment contemplated in section 2(h) if the owner or person in control of the vehicle concerned has been instructed in writing by the municipality-
  - (a) To repair or to modify the vehicle concerned or cause it to be repaired or to be modified; and
  - (b) To have any inspection or test that the municipality deems necessary conducted on the vehicle on a date and at a time and place mentioned in the instruction.

## 8. Penalties

Any person who contravenes or fails to comply with provision of section 3,4 or 5 shall be guilty of an offence and liable on conviction to a fine not exceeding R20 000 or to an imprisonment for a period not exceeding two years, or both such fine and imprisonment, and, in the event of continuing contravention, to a fine not exceeding R250, or to imprisonment for a period not exceeding twenty days, or both such fine and imprisonment, for each day on which such contravention continues.

## 9. Commencement

These by laws shall come into operation once approved and promulgated.



**LOCAL AUTHORITY NOTICE 135 OF 2021**

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**UMZIMVUBU**  
LOCAL MUNICIPALITY

**UMZIMVUBU LOCAL MUNICIPALITY**

**BY-LAWS RELATED TO IMPOUNDMENT OF ANIMALS (AMENDED)**

UPHULISO KUMNTU WONKE

Vision 2030





**UMZIMVUBU MUNICIPALITY**

The Municipal Manager hereby publishes, in terms of section 13 of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000] read with section 162 of the Constitution of the Republic of South Africa Act 1996 [Act No. 108 of 1996] the By-Laws Relating to the Impoundment of Animals that come into operation on the date of publication thereof.

**BY-LAWS RELATING TO THE IMPOUNDMENT OF ANIMALS****PREAMBLE**

**WHEREAS** the Council of the Municipality is vested with legislative authority in terms of the Constitution of the Republic of South Africa, 1996 [Act No. 108 of 1996];

**WHEREAS** the Council of the Municipality in the exercise of its functions has the right to establish and maintain facilities for the impoundment of animals within the area of jurisdiction of the Municipality;

**AND WHEREAS** there are stray animals and animals in disputes, this Policy seeks to regulate the functioning and process of impounding animals;

**NOW THEREFORE** be it enacted by the Council as follows:

**Related Legislation/Applicable Section of Legislation**

Municipal Systems Act, 2000 (Act No 32 of 2000)

Municipal Structures Act, 1998 (Act No 117 of 1998)

Animal Identification Act, 2002 (Act No 6 of 2002)

Traditional Leadership and governance framework act, 2003 (Act No 41 of 2003)

National Road Traffic Act of 1996 (Act No 93 of 1996) National Animal Pound Bill of South Africa, 2010

**OBJECTIVES:**

- a) To ensure that the by-laws of the municipality are adhered to;
- b) Formalise the procedural steps that have to be complied with before impounding of animals take place;

- c) To keep stray and trespassing animals safe;
- d) To maintain a healthy and safe environment
- e) To promote the enforcement of stray animals; and animals in dispute;
- f) Reduction of accident in public roads;
- g) To contribute towards the Revenue income generation
- h) To provide for any matters connected therewith

### **COLLECTION OF TRESPASSING ANIMALS**

There are three kinds of instances that lead to impoundment of animals:

- a) Stray animals (animals trespassing in town and on Provincial and National Roads);
- b) Animals in disputes (animals have trespassed into Millie fields and gardens);
- c) Stock Theft (animals impounded by South African Police Services while the cases are not concluded)

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- [29] Offences and penalties
- [30] Repeal of by-laws
- [31] Schedules 1 and 2 form part of these by-laws

## [1] DEFINITIONS

In these by-laws, any word or expression importing any gender or the neuter includes both genders and the neuter, the singular includes the plural and vice versa and, unless the context otherwise, indicates:-

**"animal"** includes a horse, bovine, camel, donkey, sheep, goat, pig, ostrich, small bird, dog, cat or the hybrid of any such animal;

**"authorised official"** means —

- [a] an official who has been authorized by the Council to administer, implement and enforce the provisions of these by-laws;
- [b] a traffic officer appointed in terms of section 3A of the National Road Traffic Act, 1996;
- [c] a member of the police service, as defined in terms of section 1 of the South African Police Service Act, 1995; or
- [d] a peace officer contemplated in section 334 of the Criminal Procedure Act, 1977.

**"Court"** means a Magistrate's Court as referred to in section 166[d] of the Constitution, 1996, having jurisdiction in the area in which the pound is situated;

**"Gazette"** means the official Provincial Gazette of Eastern Cape;

**"Municipality"** means the Municipality of Umzimvubu and includes the Council of the Municipality and any other duly authorized political structure, political office bearer or official thereof and, where the text so requires, also a pound keeper employed by the Municipality;

**"owner"** includes an owner who is known, or whose identity, with the exercise of reasonable

diligence, can be ascertained and in relation to any -

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

**"pound"** means a pound established as contemplated in section 3;

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

**"public place"** means any place to which the public has access including, without limiting the generality of the aforesaid, any —

- [a] square;
- [b] park;
- [c] recreation ground;
- [d] sports ground;
- [f] shopping centre on municipal land;
- [g] unused or vacant municipal land; or cemetery;

**"public road"** means a public road as contemplated in section 1 of the Road Traffic Act, 1996 [Act No. 93 of 1996]; and

**"service delivery agreement"** means a service delivery agreement as defined in section 1 of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000].

## ▣ APPLICATION

These by-laws apply to the area of jurisdiction of the municipality; provided that nothing prevents any animal detained in terms of these by-laws from being impounded in a pound or any similar facility established by any person or body with whom the Municipality has concluded a service level agreement, another Municipality or duly authorized institution.

There are three kinds of instances that lead to impoundment of animals:

- a) Stray animals (animals trespassing in town and on Provincial and National Roads);
- b) Animals in disputes (animals have trespassed into Millie fields and gardens);
- c) Stock Theft (animals impounded by South African Police Services while the cases are not concluded)

## **3 ESTABLISHMENT OF POUND**

These by-laws must be applied subject to any provincial legislation authorizing a Municipality to establish a pound or regulating a pound and in the event of conflict between these by-laws and such legislation, the provisions of such provincial legislation will apply.

### **APPOINTMENT OF POUND KEEPER**

Subject to subsection [2], the Municipality —

- [a] must appoint a suitably skilled and experienced person as a pound keeper; and
- [b] may appoint an authorized official to administer the implementation and enforcement of these by-laws.

**2** a pound is operated by a person or body in terms of a service delivery agreement concluded with the Municipality, the relevant contracting party is obliged to appoint a suitably skilled and experienced person as a pound keeper for each pound for which such party is responsible in terms of the relevant service delivery agreement;

**3** The provisions of these by-laws will, with the necessary changes, apply to a pound established in terms of a service delivery agreement concluded by the Municipality.

## **4 GENERAL DUTIES OF THE POUND KEEPER**

- [1] The pound keeper must take all reasonable measures to ensure that a public health hazard or a public health nuisance does not occur on, or rise or emanate and he must take all reasonable measures to ensure that the public health hazard or a public health nuisance is eliminated or reduced as far as possible.
- [2] For the purpose of subsection [1] the following measures must be taken:
  - [a] Fly-traps must be installed to catch or kill flies;
  - [b] accumulated water must be covered with oil and drained regularly;
  - [c] containers in which mosquitoes may breed, must be disposed of or kept in such a manner to prevent breeding of mosquitoes;
  - [d] ditches, gutters and pipes must be cleaned regularly so as to prevent the collection of water; and
  - [e] appropriately humane method of vermin control must be adopted.

## **5 TRESPASSING OR STRAYING ANIMALS MAY BE IMPOUNDED**

- 1** The owner of land upon which any animal is found trespassing may seize such animal; provided that, if the identity of the owner of such animal is known to the owner of land upon which it is found trespassing, such animal may not be removed to a pound before notice is given to the owner thereof in writing no less than 48 [forty-eight] hours prior to its removal to a pound.

**2** Any animal found straying unattended upon any public road or public place may be seized for impounding by —

- [a] an authorized official; or
- [b] the owner of any land through or alongside which such road passes or which abuts on such public place.

- 3** No person may keep an animal, seized for purposes of impounding in terms of in subsections [1] and

[2], for a period longer than 6 [six] hours without supplying such animal with adequate food and water.

- [4]** Any person who has seized an animal for purposes of impounding must comply with the provisions of the Code of Good Practice on the Handling and Transportation of Impounded Animals contained in **SCHEDULE 1** to these by-laws.

#### **[7] ANIMALS TOO VICIOUS, INTRACTABLE OR WILD TO BE IMPOUNDED**

If a state veterinarian or official contemplated in section 6[2] [a] to [e] is satisfied that an animal found trespassing on any land, or straying untended upon any public road or public place, is too vicious, intractable or wild to be impounded, he may authorize the humane destruction or other disposal of the animal, after giving written reasons and written notice thereof to the owner of the animal concerned.

#### **[8] RELEASE OF ANIMALS BEFORE REMOVAL TO POUND**

- [1]** The owner of an animal, seized in terms of section 6[1] may apply to the owner of land contemplated in such section for the release of the animal concerned prior to its removal to a pound.
- [2]** The owner of land referred to in section 6[1] may —
- [a] release such animal forthwith; or
  - [b] refuse the release of the animal; and
  - [c] in the event that such owner refuses to release the animal as contemplated in subsection [b], apply to Court for authority to:
    - [i] impound the animal; or
    - [ii] claim any damages he may have suffered, in which event the Court may make such order, including an order as to costs that it deems just and equitable.
- [3]** The owner of an animal seized in terms of section 6[2] may apply to the relevant person referred to in section 6[2] for the release of such animal prior to its removal to the pound.
- [4]** In the event that the person referred to in section 6[2] permits the release of the animal, it must be released without undue delay.

#### **[9] CARE OF TRESPASSING ANIMALS**

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

#### **[10] POUND TO WHICH ANIMALS MUST BE TAKEN**

An animal seized for the purposes of impounding as contemplated in section 6, must be removed to the nearest accessible pound by and within the shortest practical route and within the shortest practical time; provided that animals of different species must be separated at all times according to their

species.

#### **[11] INFORMATION TO BE SUPPLIED TO POUND KEEPER**

Any person sending animals to a pound must advise the pound keeper thereof in writing of

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

#### **[12] ACCEPTANCE AT POUND OF ANIMALS TO BE IMPOUNDED**

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

#### **[13] POUND REGISTER**

The pound keeper must -

- [a] maintain a pound register containing the information contemplated in **SCHEDULE 2**, which register must be available for public inspection at all reasonable times; and
- [b] complete the pound register immediately upon the acceptance into the pound of any animal.

#### **[14] NOTICE TO OWNERS OF ANIMALS**

**[1]** The owner of an animal contemplated in section 6[1], 7, 15[4], 16[c], 18[b], 22[1] [b] and 24[a], must be notified by -

- [a] addressing a written notice to him; or
- [b] placing a copy of the notice to the owner on the official notice board of the Municipality ; and
- [c] publishing a copy of the notice on at least two consecutive days in a newspaper of general circulation in the Municipality.

**[2]** A notice, order or other document is to be regarded as having been properly served if —

- [a] it has been delivered to that person personally;
- [b] sent by registered post to the person to whom it is addressed at his, her or their last known address;
- [c] it is served on a person apparently not less than 16 years of age and apparently in charge of the premises at the addressee's last known address;
- [d] if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided for in subsections [1][a], [b] or [c]; or
- [e] if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the premises to which it relates.

**[3]** A notice, order or other document that may in terms of these by-laws be served on the owner or occupier of premises —

- [a] may be addressed to the owner or occupier of the specified premises and need not name the owner or occupier; and

- [b] if the Municipality does not know the address of the owner or occupier of the premises and cannot easily obtain it, the notice, order or other document is to be regarded as having been properly served if it is affixed to a conspicuous place on the premises.

#### **[15] CARE OF IMPOUNDED ANIMALS**

[1] The pound keeper —

- [a] is responsible for the proper care of all impounded animals;
- [b] must ensure that fresh water and sufficient food is available to impounded animals at all times; and
- [c] is liable to the owner of an impounded animal for any damage caused by his wilful or negligent acts or omissions.

[2] A pound keeper must apply to the Court if he is of the opinion that an impounded animal is dangerously vicious, permanently disabled or terminally ill.

[3] A Court considering an application contemplated in subsection [2] may, if the Court is satisfied that its condition warrants its destruction or disposal, authorize the destruction or other disposal of such animal.

[4] Where the Court authorizes the destruction or disposal of an animal on application by the pound keeper, the pound keeper must immediately notify the owner in writing of the order of Court and the destruction or disposal of the animal concerned.

#### **[16] ISOLATION OF INFECTED ANIMALS**

If the pound keeper suspects, or is aware, that an impounded animal, or an animal to be impounded, is infected with any disease contemplated in the Animal Diseases Act, 1984 [Act No. 35 of 1984], he must -

- [a] provide separate accommodation for such animal;
- [b] immediately isolate the animal and report the disease to the nearest state veterinarian; and
- [c] immediately notify the owner of the animal of such disease in writing.

#### **[17] TREATMENT OF IMPOUNDED ANIMALS**

The pound keeper —

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

#### **[18] DEATH OF OR INJURY TO IMPOUNDED ANIMALS**

Any pound keeper must, upon discovering that an impounded animal is injured or has died —

- [a] record the injury or cause of death in the pound register referred to in section 13; and
- [b] notify the owner of the animal in writing of its injury or death.

#### **[19] COPIES OF BY-LAWS**

The pound keeper must ensure that legible copies of these by-laws in the languages determined by the Municipality are available at the pound for perusal by interested parties.

#### **[20] FEES AND COSTS PAYABLE**



The pound keeper must —

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

#### **[21] RELEASE OF IMPOUNDED ANIMALS**

- [1] The pound keeper must immediately release an impounded animal and give the owner thereof a receipt, upon such owner -
  - [a] providing proof of ownership of such animal; and
  - [b] paying the fees and costs contemplated in section 20.

- 2 The pound keeper may retain an animal contemplated in subsection [1] in order to recover such fees or costs as may be due and payable in the event that the owner of an impounded animal is unable to pay the fees or costs contemplated in section 20.

#### **[22] SALE OF IMPOUNDED ANIMALS**

1 The pound keeper must —

- [a] within 14 days of the impounding of an animal, apply to the Court for authority to sell the impounded animal; and
- [b] in the application contemplated in paragraph [a], provide the Court with proof that he lodged a statement as contemplated in subsection [2] with the owner.

2 The statement contemplated in subsection [1] [b] must include —

- [a] the fees and costs due in terms of these by-laws; and
- [b] the amount of any damages that the owner of the land on which the impounded animal trespassed, may have suffered.

[3] The Court, whether the amounts set forth in the statement contemplated in sub-section [1]

[b] are disputed or not, must —

- [a] summarily enquire into the matter;
- [b] enquire whether notice was given to the owner of the animal by the pound keeper; and
- [c] make such order as it considers just and equitable, including an order —
  - [i] as to costs; and
  - [ii] on the process to be followed by the pound keeper in the sale of the animal.

#### **[23] COUNCILLORS OR EMPLOYEES OF THE COUNCIL MAY NOT PURCHASE IMPOUNDED ANIMALS**

- [a] The councillors or employees of the council, or their family members, or close associates of

such councillors or employees, may not purchase an animal offered for sale at a pound sale, either personally or through any other person or either directly or indirectly.

- [b] A councillor or employee who contravenes subsection [a] is guilty of an offence.

#### **[24] ANIMALS UNSUCCESSFULLY OFFERED FOR SALE**

In the event that any animal is not sold in the manner contemplated in section 23 —

- [a] the pound keeper must immediately advise the Court and the owner of its estimated value and the fees and costs incurred; and
- [b] the Court may make such order as it may deem just and equitable in the circumstances.

#### **[25] PROCEEDS**

- [1] All proceeds from the collection of fees and costs contemplated in section 22 must be paid into the municipal revenue fund; provided that the revenue from the sale of any impounded animal that is in excess of the fees and costs incurred and any damages awarded in terms of section 22[3] [c] must be paid to the owner of the sold animal within 30 days of the sale.
- [2] The excess must be paid into the municipal revenue fund if the owner of an animal contemplated in subsection [1] cannot be established.

#### **[26] ACTION FOR RECOVERY OF DAMAGES**

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

#### **[27] PROCEDURE TO BE FOLLOWED IN APPLICATION TO COURT**

- [1] An application to Court for the impoundment of an animal in terms of these by-laws must comply with the following procedure contemplated in Rule 55 of the Rules of Court; and
- [2] An application to Court for the sale of an impounded animal in terms of these by-laws must comply with the following procedures:
- [a] Section 66 of the Magistrates' Courts Act, 1944 [Act No. 32 of 1944]; and
- [b] Rule 41 of the Rules of Court made by the Rules Board for Courts of Law in terms of section 6 of the Rules Board for Courts of Law Act, 1985 [Act No. 107 of 1985] and published under Government Notice No. R.1108 in Regulation Gazette No. 980 of 21 June 1968, as amended from time to time, read with the necessary changes.

#### **[28] APPEAL**

- [1] A person whose rights are affected by a decision of an official may appeal against that decision by giving written notice of the appeal and reasons to the Community Safety Assistant Manager within seven (7) days of the date of the notification of the decision of the official.

**[2] Assistant Managers Reduction Procedure**

The procedure to reduce pound fees by Assistant Manager: Community Safety is as follows: consideration to reduce pound fees must only be done for pound fees exceeding R3500.00. Reduction of pound fees may not be reduced lower than R3500.00 in any given instance.

- a) for pensioners receiving government grant, pound fees reduction shall be limited to 30% of the pound fee charged. A pensioner must fill the standard form to request pound fees reduction, attach stock card copy, certificate of ownership from Department of Agriculture, a letter from the local chief proving ownership of the impounded animal/s, certified copy of pension grant card, certified ID copy.
- b) for other people who are not pensioners, pound fees reduction shall be limited to 20% of the pound fee charged. Standard form to request pound fees reduction must be filled, attach stock card or certificate of ownership from Department of Agriculture, a letter from the local chief proving ownership of the impounded animal/s and that the individual person is unemployed, certified ID copy.

**[3] When the appeal is against a decision taken by —**

- [a] the Community Safety Assistant Manager, the Municipal Manager is the appeal authority;
- [b] When not satisfied by the decision of the Municipal Manager, the Executive Committee is the appeal authority; or
- [c] if the decision of the executive committee is not satisfying, the Council is the appeal authority and is the final authority.

**[4]** The final appeal authority must commence with an appeal within twenty one (21) days and decide the appeal within a reasonable time.

**[5]** The appeal authorities must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decisions.

**[6]** That appeal can only be considered once within three (3) months period

**[29] OFFENCES AND PENALTIES**

**[1]** A person is guilty of an offence who contravenes any provision of these by-laws or unlawfully —

- [a] releases an animal that was lawfully seized for the purpose of being impounded or which has been lawfully impounded;
- [b] seizes an animal for the purpose of impounding it;
- [c] impounds an animal;
- [d] makes a false entry in the pound register;
- [e] destroys or erases any previous entry in the pound register;
- [f] delivers a false copy or extract from the pound register to any person;
- [g] hinders or interferes with an authorized official in the execution of his duties in terms of these by-laws;
- [h] falsely professes to be an authorized official;
- [i] furnishes false or misleading information when complying with a request of an authorized official; or

[j] fails to comply with a request of an authorized official.

**[a]** A person convicted of an offence under these by-laws is liable —

**[a]** to a fine, or to imprisonment for a period not exceeding one year; and

**[b]** in the case of a continuing offence —

[i] to an additional fine; or

[ii] to an additional period of imprisonment of 10 days; or

[iii] to such additional imprisonment without the option of a fine; or

[iv] to both such additional fine and imprisonment for each day on which such offence is continued; and

[v] to a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as a result of such contravention or failure.

### **[30] REPEAL OF BY-LAW**

[1] Any by-law adopted by the Municipality or a municipality now forming an administrative unit of the Municipality and relating to any matter regulated by these by-laws are, from date of promulgation of these by-laws, hereby repealed.

[2] Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, is deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision [if any] of these by-laws, as the case may be.

### **Duty of care for animals**

- 1) The owner of an animal must exercise care and control over his or her animal so as to avoid damage and potential danger to another person's property
- 2) The owner of an animal is responsible for the damage caused by the animal and expenses associated with the impounding of the animal.
- 3) Where there is a dispute with regard to the damages or any other matter, such disputes must be directed to the Council for resolution.
- 4) It is encouraged that the owner of the animals should brand their cattle for easily identification

### **[31] The impoundment of animals in rural areas**

The impoundment of animals in Rural Areas should be administered by Traditional Leaders in their respective areas, but when the request is made for the municipality to assist in terms of taking some of the livestock that should be done as requested and the livestock will be administered as per municipal by Law.

### **[32] SCHEDULES 1 AND 2 FORM PART OF THESE BY-LAWS**

Schedules 1 and 2 to these by-laws form part thereof for all purposes.

#### **SCHEDULE 1**

#### **CODE OF GOOD PRACTICE ON THE HANDLING AND TRANSPORTATION OF IMPOUNDED ANIMALS**

**PART I: Paddock Requirements**

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

**PART II: Handling of Animals**

- [1] Animals must at all times be handled humanely and with patience and tolerance.
- [2] The following must be observed when handling animals -
  - [a] animals respond more readily to being driven when the driver stands behind the animal but within its field of vision; and
  - [b] herd animals respond more readily to being driven when in a group rather than singly.
- [3] Animals may not be dragged by their legs or carried by their head, ears or tail.
- [4] Young calves must be carried if they cannot walk with ease, by lifting the calf around the chest and hindquarters, alternatively they must be guided with one hand on the hindquarters and the other near shoulder or neck and walked in the required direction at an appropriate and comfortable pace.
- [5] Only sticks with canvas or belting flaps may be used when driving animals and it is preferable to strike the ground behind the animal rather than to hit the animal.
- [6] Electric prodders, sticks or goads may not be used on young calves.  
Electric prodders may not be used excessively or indiscriminately or applied to the face, anal or genital areas of animals.

**PART III: Movement of Animals**

- [1] Animals driven on the hoof must at all times be under proper and competent supervision.
- [2] Animals on the hoof must be driven in a calm manner at a gait that is relaxed and comfortable, natural to that animal and not faster than the pace of the slowest animal.
- [3] Animals may not be driven for periods in excess of 10 hours without being given rest of at least one

hour and provided with sufficient suitable fresh water that is available to all the animals.

**[4]** No animal on the hoof may be moved in excess of the following distances —

[a] during a journey of not more than one day's duration -

[i] 20 kilometres for sheep and goats; and

[ii] 30 kilometres for cattle; and

[b] during a journey of more than one day's duration -

[i] 20 kilometres during the first day and 15 kilometres during each subsequent day for sheep and goats; and

[ii] 25 kilometres during the first day and 20 kilometres during each subsequent day for cattle.

**[5]** Animals must be watered and fed immediately on reaching their night camp or final destination, with sufficient food of a quality and of a type compatible with the species.

**[6]** Animals may not be moved in the dark.

No sick, injured or disabled animal may be moved on the hoof.

#### **PART IV: VEHICLES USED IN TRANSPORTING ANIMALS**

**[1]** Vehicles and all trailers used in the transport of hoofed animals must be suitable for the transport of such animals and in a roadworthy condition.

**[2]** All vehicles and trailers referred to in item 1 must have —

[a] a suitable non-slip floor which may not impede the cleaning of the floor of the vehicle, with hinged or removable battens or steel grids being permissible;

[b] adequate ventilation and light whilst in motion as well as when stationary, with no vehicle being totally enclosed;

[c] adequate protection from exhaust gasses, as exposure fumes could interfere with the respiration of the animal or cause distress;

[d] sidewalls high enough to prevent animals from escaping or falling out of the vehicle; provided that —

[i] the sides and partitions, when used in a vehicle to separate animals carried therein, must be of a height not lower than the shoulder joint of the largest animal being transported;

[ii] in the case of cattle other than calves, the minimum height must be 1 800 millimetres; and

[iii] the minimum height must be 750 millimetres in the case of any smaller animals;

**[e]** in multi-tier vehicles, heights between decks must be adequate, and in case of sheep and pigs not less than 1 000 millimetres, to enable the larger animals to stand naturally, freely and fully erect and to allow adequate space for the free flow of air above the animals;

**[f]** floors that are solid and impervious;

**[g]** loading and off-loading openings at the rear of the vehicle that are the full width of the vehicle or, if at the sides, a width not less than 2 400 millimetres; and

- [h] gates, with or without partitions  
of a design and construction strong enough and suitable for the conveyance of the intended consignment; and that open and close freely and are able to be well-secured.
- [3] The density of animals packed into any given space must be such as to ensure the safety and comfort of the animals during transport and the recommended floor space per animal is —
- [a] 1,4 square metres per large animal; and
- [b] 0,5 square metres per small animal.

#### **PARTV: WATERING AND FEEDING OF LIVE ANIMALS PRIOR TO LOADING**

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

#### **PARTVI: LOADING AND OFF-LOADING PROCEDURE**

- [1] Loading and off-loading into or out of a vehicle must be accomplished as quietly and calmly as possible, with patience and tolerance and without undue harassment, terrifying of the animals, bruising, injury, suffering or undue stress.
- [2] No animal may be loaded or off-loaded by lifting by the head, fleece, skin, ears, tails, horns or legs.
- [3] No animals may be loaded or off-loaded otherwise than —
- [a]** by means of a ramp with a non-slip surface, sturdy enough to support the weight of the species of animals being handled, with side panels or bars adequate to prevent animals escaping or falling off the ramp and of an incline not steeper than 25 degrees; or
- [b]** at a loading bank equal to the height of the floor of the vehicle or, at off-loading, not more than 310 millimetres below the level of the off-loading vehicle and with an incline not exceeding 25 degrees.
- [4] Where a truck is equipped with an on board removable loading ramp, it must have a nonslip surface and be of a sufficient length when lowered, that the inclination is no steeper than the inclines referred to in item 28, with the distance from the ground to the heel of the ramp not exceeding 120 millimetres.
- [5] Ramps must be correctly adjusted to the exact height of the vehicle's floor.
- [6] Journeys must commence as soon as possible after the live animals have been loaded and the animals must be promptly off-loaded upon arrival at the destination.
- [7] Unless adequate provision has been made for effective separation, different species of animals may not be loaded and transported in the same vehicle.
- [8] Animals of different ages, sizes and sexes may not be loaded and transported in the same vehicle unless adequate provision has been made for the effective separation of such animals.
- [9] Adult horned cattle may not be transported with polled cattle and they must also be penned separately.
- [10] When there is reason to believe that an animal is likely to give birth in the course of a proposed journey, the animal may not be loaded onto a vehicle.
- [11] In the case of an animal giving birth during transport, the necessary measures must be taken to ensure the protection of the mother and offspring from being trampled or otherwise injured or harassed by other animals.

- [12] In the event of—
- [a] a breakdown of the transport vehicle;
  - [b] an accident or collision in which the transport vehicle is involved; or
  - [c] injury to, or death of, any animal in transit, the carrier must immediately report the details to, and request assistance from —
- [i] in the case of paragraph [a], a breakdown service;
  - [ii] in the case of paragraph [b], the South African Police and the traffic authorities; or
  - [iii] in the case of paragraph [c], a veterinarian.

## **PART VII: RESTRAINING OF ANIMALS DURING TRANSPORTATION**

Where the transport of any animal may cause injury to itself or any other animal, it must be restrained in such a manner as to prevent such injury.

No animals may be kept in restraint for more than 4 hours in any 24-hour period. No wire or bailing twine may be used for tying the animal's legs or feet.

To avoid strangulation or neck-break, a slipknot may not be used where animals are secured to the vehicle by horns or neck, and the rope must be attached to the vehicle at the level of the animal's knees so that in the event of the animal falling, the possibility of serious injury or death is reduced, with the rope being long enough to allow the animal to lie comfortably in a natural position with its head upright.

### **SCHEDULE 1**

#### **POUND REGISTER INFORMATION**

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

- [1] Name of pound
- [2] Date of receipt of animal
- [3] Number and description of animals
- [4] Brands or markings on animal
- [5] Ear tag number assigned by the pound keeper
- [6] Name and address of person who seized the animal
- [7] Name and address of person who delivered the animal to the pound
- [8] Name and address of owner of land
- [9] Name and address of owner of animal
- [10] Name and address or description of place where animal was found
- [11] Distance from location where animal was seized to pound
- [12] Particulars of damage caused by the animal
- [13] Transport fees payable
- [14] Details of destruction or disposal of animal



- [15] Cause of death or injury of impounded animal
- [16] Description and amount of pound fees
- [17] Damages awarded by Court
- [18] Date of release of animal
- [19] Date of sale of animal
- [20] Proceeds of sale of animal
- [21] Name and address of purchaser
- [22] Excess amount [if any] paid to owner or municipality
- [23] Receipt number
- [24] Details of Order of Court with regard to animal not sold in execution.

**LOCAL AUTHORITY NOTICE 136 OF 2021**

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**UMZIMVUBU**  
LOCAL MUNICIPALITY

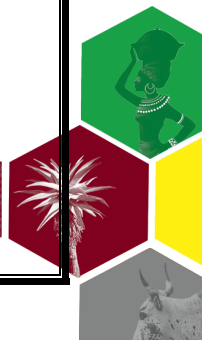
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**UMZIMVUBU LOCAL MUNICIPALITY**

**CEMETRIES, CREMATORIA AND FUNERAL UNDERTAKERS BY-LAW**

UPHULISO KUMNTU WONKE

Vision 2030



**CEMETERIES, CREMATORIA AND FUNERAL UNDERTAKERS BY-LAWS**

Be it enacted by the Council of the Umzimvubu Municipality, in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996, read with section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), the Minister of Environmental and Cultural Affairs having authorized the Municipality to make these by-laws, as follows:

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**CHAPTER 2: ESTABLISHMENT AND MANAGEMENT OF CEMETERIES**

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## CHAPTER 1 GENERAL

### Definitions

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

**“adult”** means a deceased person over the age of 12 years and any deceased person the dimensions of whose coffin cannot be accommodated in an excavation of 1,40m in length and 400 mm in width;

**“after-hours fee”** means a fee over and above the set norm of fee for burial or cremation outside normal week day cemetery operating hours, save in the case of cremations or burials, which, because of religious belief, are undertaken after such hours, or in the case of burial, where the mourners undertake to close the grave;

**“ashes”** means the cremated remains of a body;

**“adequately ventilated and illuminated”** means adequately ventilated and illuminated as contemplated in the National Building Regulations and Standards Act, 1977 (Act No. 103 of 1977), as amended or the health bylaws applicable within the area of jurisdiction of the Council;

**“Births and Deaths Registration Act”** means the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992);

**“body”** means any dead human body, including the body of a stillborn child;

**“burial”** means burial or inhumation into earth or any other form of burial and includes a tomb and any other mode of disposal of a body;

**“burial order”** means an order issued in terms of the Births and Deaths Registration Act;

**“cemetery”** means any land or part thereof within the municipal area set aside by the Council or approved by the Council as a cemetery;

**“certificate of competence”** means a document contemplated in section 33;

**“child”** means a deceased person who is not an adult;

**“Common wealth war grave”** means any grave, tombstone, monument or memorial connected with a Commonwealth war burial in terms of the Commonwealth War Graves Act, 1992 (Act No.8 of 1992);

**“Council”** means the Municipal Council established in terms of the relevant laws of the Republic of South Africa; or its successor in title; or a structure or person exercising a delegated power or carrying out an instruction, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or a service provider fulfilling a responsibility under these by-laws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, or any other law, as the case may be.

**“cremation”** means the process of disposing of a human body by fire;

**“crematorium”** means a crematorium as defined in section 1 of the Ordinance and includes the buildings in which the ceremony is conducted and the cremation carried out;

**“crematorium section”** means a section of a cemetery or crematorium set aside by the Council for the burial of ashes;

**“cremated remains”** means all recoverable ashes after the cremation process;

**“environmental health officer”** means a person who is an employee of Council and who is registered with the Health Professions Council of South Africa and is designated in terms of section 31 (1) of the Health Act, 1977 (Act No. 63 of 1977);

**“exhumation”** means the removal of a body from its grave;

**“existing funeral undertaker's premises”** means existing funeral undertakers' premises, which are used as such, on the date of commencement of these bylaws;

**“funeral undertaker's premises”** means premises that are or will be used for the preparation and or storage of corpses;

**“garden of remembrance”** means a section of a cemetery or crematorium set aside for the erection of memorial work , placing or scattering of ashes, but does not include a columbarium;

**“grave”** means any piece of land excavated for the burial of a body within a cemetery and includes the contents, headstone or other marker of such place and any other structure on or associated with such place;

**“grave of conflict”** means the grave of a person who died while defending the country;

**“hero”** means a person who performed a heroic act for the country and is given the status of a hero by the Council;

**“holder”** means the person in whose name a certificate of competence has been issued

**“indigent person”** means a destitute person who has died in indigent circumstances, or if no relative or other person, welfare organisation or non governmental organization can be found to bear the burial or cremation costs of such deceased person and includes a pauper;

**“indigent relief”** means assistance received for the burial or cremation of an indigent person;

**“medical officer of health”** means the officer appointed by Council or any other person acting in the capacity of the medical officer of health;

**“memorial section”** means a section of a cemetery set aside for the erection of memorials;

**“memorial wall”** means a wall in a cemetery or crematorium section provided for the placement of inscribed tablets commemorating deceased persons;

**“memorial work”** means any headstone, monument, plaque, or other work, or object, erected or intended to be erected in any cemetery or crematorium to commemorate a deceased person, and includes a kerb demarcating a grave, and a slab covering a grave;

**“municipal area”** means the area under the control and jurisdiction of the Council;

**“new funeral undertaker's premises”** means undertaker's premises that start operating as

such after the date of commencement of these bylaws;

**“niche”** means a compartment in a columbarium or garden of remembrance for the placing of ashes;

**“nuisance”** means any condition, thing, act or omission which is offensive or injurious to health or which tends to prejudice the safety, good order or health of the area or part thereof;

**“officer-in-charge”** means the person in the employ of the Council who, from time to time, is in control of any cemetery.

**“prescribed”** means prescribed by the Council;

**“prescribed fee”** means a fee determined by the Council by resolution of that Council or its successor.

**“preparation”** means any action aimed at the preparation of a corpse for a funeral or for cremation, export or other disposal and will include the embalming of such corpse for the said purpose, and "prepare" and any word derived there from will have a corresponding meaning;

**“provisional certificate of competence”** means a document as referred to in section 36;

**“rodent-proof”** means rodent-proofed as laid down in the regulations regarding the Prevention of Rodent Infestation and the Storage of Grain, Forage, etc. in Urban and Rural areas of the Republic of South Africa promulgated by Government Notice R. 1411 of 23 September 1966;

**“South African Heritage Resources Agency”** means the South African Heritage Resources Agency, established in terms of section 11 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999)

**“stone mason”** means a person carrying on business as a stone mason;

**“the Health Act”** means the Health Act, 1977 (Act No. 63 of 1977), and any expression to which a meaning has been assigned in the Health Act will have such meaning and, unless the context otherwise indicates; and



**"thermometer"** means an apparatus which can give the temperature readings referred to in the bylaws, the combined accuracy of such a thermometer and its temperature-sensitive sensor being approximately 0,5°C.

**"victim of conflict"** means a person defined in section 1 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

(2) If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), or any other law been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

## **CHAPTER 2 ESTABLISHMENT AND MANAGEMENT OF CEMETERIES**

### **Establishment of cemeteries**

- 2.(1) The Council may from time to time set aside and reserve suitable municipal land within the municipality for the establishment and management of a cemetery. The Council may consider and approve an application for the establishment and management of a cemetery. The Council may consider and approve an application for the establishment and maintaining of a private cemetery or a private columbarium on private land on the conditions that the Council may deem necessary.
- (2) The Council may set aside, reserve and demarcate within a cemetery, in accordance with an approved layout plan, such areas as the Council may deem necessary for exclusive use by the members of a particular religion or denomination, or for the burial of adults, children, security forces or war heroes, or for the creation and management of the following sections:
- (a) Berm-section where memorial work of a restricted size may be erected only on a concrete base provided by the Council at the top or bottom end of a grave the top surface of graves are level and the Council will cut planted as well as natural grass as part of its maintenance program;
  - (b) Monumental-section where memorial work erected must cover the entire grave area,
  - (c) Semi-monumental section where memorial work, without a restriction on the size, may be erected only on a concrete base at the top end of a grave, which base will not be provided by

- the Council;
- (d) Natural-grass section where the surface of graves are leveled. Graves are identified by numbers affixed on top of the graves in such a way that lawnmowers can be used to cut the natural grass without damaging the numbers;
  - (e) Traditional-section where memorial work does not have to cover the entire grave area, and may be erected on graves that are not supplied with a concrete base as required in the Berm-section. The surfaces of graves are level;
  - (f) Columbarium-section where ashes may be buried in a niche in a memorial wall or wall of remembrance provided by the Council;

#### **Official hours**

- 3.(1) The cemetery and the office of the caretaker will be open during the hours as determined by the Council. The cemetery office of the caretaker shall be open from Monday to Friday.
- (2) Burials will take place on the days and during the hours as determined by the Council.
- (3) The Council has the right to close a cemetery or any portion thereof to the public for such periods and for such reasons as the Council may deem fit
- (4) No person may be or remain in a cemetery or part thereof before or after the official hours as determined by the Council or during any period when it is closed for the public, without the permission of the caretaker.

#### **Register**

- 4.(1) A register of graves and burials must be kept by the caretaker.
- (2) Such register must be completed as far as possible immediately after a burial has taken place, with reference to the prescribed particulars contained in the burial order concerned.

#### **Numbering of graves**

- 5.(1) All graves in a cemetery that are occupied or for which a burial has been authorised in terms of the provisions of this by-law must be numbered by the Council.
- (2) The number must be affixed to the grave and indicated on a plan to be kept available in the caretaker's office.

#### **Reservation of graves**

6.(1) No reservation of a grave in a cemetery will be allowed except spouses or partners.

(2) Reservation of graves made and recorded in the official records of the Council in terms of any previous by-laws will still be valid and the Council will honour such reserved rights.

#### **Transfer of reserved rights**

7.(1) A reserved right as contemplated in section 6(2) may not be transferred without the prior approval of the Council.

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

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

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

#### **Number of corpses in a grave**

8.(1) Only one corpse may be buried in a grave with measurements as contemplated in this by-law.

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

(3) After the re-opening of a grave for the purpose of the burial of a second corpse as mentioned in sub-section 9(2) in that grave, a concrete layer of not less than 25 mm thick shall be cast above the coffin previously buried.

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

#### **Number of Corpses in a coffin**

- 9.(1) A deceased newly-born or stillborn child and his deceased mother may be buried in the same coffin at the fee for a single interment of an adult.
- (2) Still-born twin babies may be buried in the same coffin at the fee for a single interment of a stillborn child.

### CHAPTER 3 BURIALS

#### **Application for a burial**

- 10.(1) Application for permission for a burial in a cemetery shall be made to the caretaker in writing by completing and submitting a prescribed application form. An application shall be accompanied by:
- (a) the prescribed burial order;
  - (b) the prescribed fees; and
  - (c) a reservation certificate, if applicable;
- (2) No person may, without the prior written approval of the Council, execute, cause, or allow a burial in any other place in the municipality than in a cemetery established and managed by the Council. This includes the burial of a corpse, of ashes and of a cadaver.
- (3) An application for permission for a burial must be submitted to the caretaker at least 24 working hours prior to the planned burial, failing which the caretaker may refuse the application.
- (4) No person may execute a burial or cause or allow a burial to be executed in a cemetery, unless written permission for the burial has been obtained, a specific grave has been allocated for the purpose of the burial and a date, and time for the burial has been arranged with the caretaker.
- (5) In allocating a date and time for a burial, the caretaker must have regard to the customs of the deceased's relatives and their religion or church affiliation.
- (6) In allocating a grave the caretaker must, as far as practicable possible allow the responsible person access to a plan of the cemetery showing the various sections, and allow him to select the section of his choice, but not the individual grave of his choice. The allocation of a specific grave is the sole responsibility and discretion of the caretaker and a burial will be

executed only in a grave allocated by him.

- (7) The Council may allow in its discretion a burial without payment of the prescribed fees in a part of a cemetery set aside for such purposes and in such manner as it may deem fit.
- (8) Notice of cancellation or postponement of a burial must be submitted to the caretaker at least 4 working hours before the time set for the burial.
- (9) The granting of permission for a burial and the allocation of a specific grave in a cemetery, does not give the applicant, the responsible person or any other person any right in respect of such grave other than to bury a corpse in the grave.
- (10) Except with the permission of the Council, no person may place or cause any coffin constructed of any material other than natural wood or other perishable material to be placed in any grave.

#### **Burial of a corpse**

- 11.(1) All graves may be provided by the caretaker with the exception of brick-lined or concrete-lined graves, in which cases the brickwork or concrete work must be carried out by the undertaker under the supervision of the caretaker and in conformity with the specifications applicable to ordinary graves.
- (2) There must be at least 1 200mm of soil between the top of an adult coffin and the ground surface, and at least 900mm of soil between the top of a child coffin and the ground surface.
- (3) All corpses must be placed in a coffin for the burial thereof, except as provided for the Muslim community.
- (4) No person may without the prior permission of the caretaker conduct any religious ceremony or service according to the rites of one denomination in any portion of a cemetery reserved by the Council in terms of the provisions of this by-law, for the use of some other denomination.
- (5) No person may permit any hearse in a cemetery to leave the roads provided, and every hearse must leave the cemetery as soon as possible after the funeral for which it was engaged.

- (6) Every person taking part in any funeral procession or ceremony must comply with the directions of the caretaker as to the route to be taken within the cemetery.
- (7) No person may convey or expose a corpse or any part thereof in an unseemly manner in any street, cemetery or public space.
- (8) Every application and every document relating to any burial must be marked with a number corresponding to the number in the register referred to in section 4 and shall be filed and preserved by the Council for a period of not less than ten years.
- (9) Every coffin or body upon being placed in any grave must, at once, be covered with 500mm of earth.
- (10) No person may disturb any human remains or any soil adjacent thereto in any cemetery, except where such disturbance is expressly permitted by this bylaw or by an order of court.

#### **Burial of ashes**

- 12.(1) Ashes may be buried in a coffin and only two such coffins containing ashes may be buried in an extra deep grave; provided that a coffin does not exceed the average body weight of 70 kg, and further-more that the grave is re-adjusted to the prescribed depth and measurements.
- (2) No person may execute a burial or cause a burial of ashes to be executed in a cemetery, unless written permission for the burial has been obtained, a specific grave or niche has been allocated for the purposes of the burial and a date, and time for the burial has been arranged with the caretaker.
- (3) Application for the burial of ashes for definite periods or in perpetuity, or for the provision of memorial tablets of approved material to be fixed on the building, columbarium or other facility may be made to the caretaker in writing by completing and submitting a prescribed application form.
- (4) Niches will be allocated by the caretaker strictly in the order in which the applications therefore are received and no reservations for future use will be made.
- (5) An application for permission for a burial must be submitted at least 24 working hours prior to the planned burial, failing which the caretaker may refuse the application.

- (6) An urn or casket containing ashes that has been deposited in a building, columbarium, or other facility may not be removed without the caretaker's prior written consent.
- (7) Every niche containing ashes must be sealed by a tablet approved by the Council and may only be opened for the purpose of withdrawing an urn or casket contained therein for disposal elsewhere, or for the purpose of depositing an additional urn or casket therein where after it will once again be sealed.
- (8) Application for the opening of a niche must be made to the caretaker in writing by completing and submitting a prescribed application form.
- (9) No person may introduce any material into the columbarium for the purpose of constructing or erecting any memorial work therein unless and until:
- (a) approval for the burial has been obtained from Council;
  - (b) approval for the erection of the memorial work has been obtained from Council;
- and,
- (c) the prescribed fees have been paid.
- (10) Any person engaged upon any work on the columbarium, shall execute such work to the satisfaction of the caretaker, and such work must be undertaken during the official office hours of the cemetery.
- (11) No permanent wreaths, sprays, flowers, or floral tributes may be placed in or on a columbarium.
- (12) The columbarium may be visited daily during the official cemetery hours as determined by Council.
- (13) Plaques shall be made of material approved by the Council and may be affixed simultaneously with the placing of the ashes and within 30 days of the obtaining of the consent.

#### **Burial of a cadaver**

- 13.** The remains of a corpse used at an educational institution for the education of students, generally known as a cadaver, may be buried in one coffin and two such coffins containing cadavers may be buried in an extra deep grave as contemplated in sub-section 14(4) :

Provided that a coffin does not exceed the average body weight of 70 kg, and furthermore that the grave is re-adjusted to the prescribed depth and measurements.

#### **Persons dying outside the municipal area**

14. The provisions of these by-laws will apply mutatis mutandis to any burial in a cemetery of a person who has died outside the municipality

#### **Dimensions of graves**

- 15.(1) The excavation of a grave for an adult must be at least 1820mm deep, 2300mm long, and 760 mm wide.
- (2) The excavation of a grave for a child must be at least 1370mm deep, 1520mm long, and 610 mm wide.
- (3) In the event that a grave of a greater depth, length or width than those specified above is required, application in respect thereof, together with extra prescribed fees that are due, must be made to the caretaker together with the application to obtain permission for a burial.
- (4) The excavation of an extra deep grave for the burial of two corpses shall be at least 2400mm deep, 2300mm long and 760mm wide.
- (5) Deviations from measurements of graves will be as follows:
- Extra wide : 2300 mm long  
                  : 840 mm wide
  - Extra long : 2530 mm long  
                  : 760 mm wide
  - Rectangular small : 2300 mm long  
                          : 810 mm wide
  - Rectangular big : 2400 mm long  
                          : 900 mm wide
  - Brick-nogging : 2600 mm long  
                          : 1050 mm wide
- (6) The area of a rectangular grave for an adult must be 1500mm wide by 2600mm long.
- (7) The area of a grave for an adult must be 1210mm wide by 2430mm long.
- (8) The area of a grave for a child must be 1210mm wide by 1520mm long. If a coffin is too



large, an adult grave may be used.

#### **CHAPTER 4**

#### **RE – OPENING OF GRAVES AND EXHUMATIONS**

##### **Conditions of exhumations**

**16.(1)** No person may exhume or cause to be exhumed a body without the written consent of the:–

- (a) Premier of the Provincial Government;
- (b) the Council;
- (c) the provincial Department of Health;
- (d) the Administrator of cemeteries;
- (e) the Council's Medical Officer of Health or
- (f) by an order of a court having jurisdiction over such matters.

(2) Whenever an exhumation is to take place, the officer-in-charge must inform the Provincial Commissioner of the South African Police Services.

(3) A member of the South African Police Services must always be present when an exhumation is being conducted.

(4) An exhumation must not take place when the cemetery is open to the public and must take place under the supervision of the officer-in-charge.

(5) If remains are to be exhumed from any grave, only the undertaker under the supervision of the officer-in-charge may cause the grave to be excavated for such exhumation;

(6) (a) If a grave is to be excavated for exhumation, the officer-in-charge must be given 48 hours written notice before the time of exhumation, and

(b) The authority referred to in sub-section (1)(d) of this Section and the prescribed fee must accompany such notice.

(7) A person who wishes to exhume the remains of an indigent person must pay the costs incurred by the Council at the time of burial, to the Administrator of Cemeteries.

(8) The person carrying out the exhumation must ensure that the body and grave are properly disinfected and deodorized.

- (9) The South African Police Services must –
- (a) if there is proof of illegal burial immediately exhume the body; and
  - (b) take it to a government mortuary for investigation.
- (10) A grave of victims of conflict and a grave which is older than 60 years may only be exhumed with the permission of the South African Heritage Resources Agency.
- (11) A Commonwealth war grave may only be exhumed in accordance with the provisions of section 3 of the Commonwealth War Graves Act, 1992.

#### **Exhumation and reburial**

- 17.(1) The Council may, if a body has been buried in contravention of these By-laws, cause the body to be exhumed and re-buried in another grave.
- (2) The relatives of the deceased must be –
- (a) notified of the intended exhumation and re-burial; and
  - (b) allowed to attend.

#### **Screening of exhumation**

- 18.(1) A grave from which a body is to be exhumed must be screened from the view of the public during the exhumation.
- (2) The person carrying out the exhumation must provide a suitable receptacle for each body or remains.

### **CHAPTER 5 MISCELLANEOUS**

#### **Injuries and damages**

- 19.(1) A person using a cemetery do so at his own risk, and the Council accepts no liability whatsoever for any personal injuries sustained by such person or for any loss of or damage to such person's property relating to or resulting from the aforementioned usage of the cemetery.
- (2) A person using a cemetery accepts full responsibility for any incident, damages or injuries that may be caused by or that may result from the aforementioned use of the cemetery and he accordingly indemnifies the Council, its members, employees or agents, whether in

personal or official capacity, against liability for all claims from whichever nature by himself, his dependants or third parties in respect of any patrimonial loss, consequential damages, injuries or personal prejudice that may be suffered or sustained in connection with or resulting from such a person's use of a cemetery. The aforementioned indemnity also applies to injuries sustained by employees of the Council while on duty at the cemetery, as well as damages to Council property at the cemetery.

#### **Fire-arms and traditional weapons**

20. No fire-arms and traditional weapons will be allowed in a cemetery.

#### **Offences and penalties**

- 21.(1) Any person contravening or failing to comply with any of the provisions of these by-laws will be guilty of an offence and will, upon conviction by a court be liable to a fine not exceeding R60 000, or imprisonment for a period not exceeding three years or both a fine as well as period of imprisonment, or such other fine or period of imprisonment which the Minister of Justice may from time to time determine in terms of the provisions of section 92 of the Magistrate's Courts Act 1944 (Act No 32 of 1944).
- (2) Any expense incurred by the Council as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he or she failed to do, may be recovered by the Council from the person who committed the contravention or who failed to do such thing.

#### **Complaints**

22. Any person wishing to lodge a complaint must lodge such complaint, in writing with the Senior Manager.

#### **Charges**

23. The charges set forth in "the tariff" in respect of the various items therein contained, must be paid to the Council in advance.

#### **Rights on Graves**

24. No person may acquire any right to or interest in any ground or grave in any cemetery.

**Consents, Notices and Orders**

25. Any written consent, notice or other order issued by the Council in terms of these by-laws, with the exception of consent by the Director or any officer authorised by him and must be prima force evidence of the contents of such a signed consent, notice or other order.

**Religious Ceremonies**

- 26.(1) The members of any religious denomination may conduct religious ceremonies in connection with any interment of memorial service subject to the control and by-laws of the Council.
- (2) No animal may be slaughtered on the premises of the cemetery regardless of any religious ceremony which may require an animal to be slaughtered.

**Hearses and vehicles at Cemeteries**

- 27.(1) No person may cause any hearse or vehicle, as defined by the Road Traffic Act, while within a cemetery to depart from the carriage drives or certain any hearse within any cemetery after the removal of the body from such hearse or vehicle. Every hearse or vehicle such removal shall leave the cemetery by the route indicated by the caretaker.
- (2) The cemetery is a public place and all laws applicable to the driving of a vehicle and the use of a public road will be applicable inside the premises of the cemetery.

**Exposure of Bodies**

28. No person may convey a dead body, which is not covered, or any such body or any part thereof in any street, cemetery or public place.

**Instruction of Caretaker**

29. Every person taking part in any funeral procession or ceremony must comply with the directions of the caretaker while such person is within a cemetery.

**Music Inside Cemetery**

30. Only sacred singing will be allowed in any cemetery, except in the case of police and military funerals.

**Interments Attended by large Numbers of People**

31. In any case, where it is probable that an unusually large number of persons will be present at any interment, the person giving notice of such interment must notify the caretaker the day before the funeral.

## CHAPTER 6 FUNERAL UNDERTAKERS

### Preparation of Corpses

- 32.(1) Corpses are to be prepared only at funeral undertaker's premises which have been issued with a certificate of competence and is in effect.
- (2) Unless otherwise provided for in these bylaws, no person shall prepare and/or store any corpse except on funeral undertaker's premises which have been issued with a certificate of competence and is in effect.

### Exemptions

- 33.(1) The Council may, in writing, exempt any person from compliance with all or any of these bylaws where, in the opinion of the Council, noncompliance does not or will not create a nuisance.
- (2) Such exemption shall be subject to such conditions and valid for such a period as the Council may stipulate in the certificate of exemption.

### Application for the issue or transfer of a certificate of competence

- 34.(1) (a) Any person wishing to apply for a certificate of competence in respect of new funeral undertaker's premises, shall cause a notice of his intention to apply for a certificate of competence to be published in English, Afrikaans and Zulu in a newspaper, that circulates in the area in which such premises will be or is situated not less than 21 days before submitting such application to the Council,
- (b) Such notice must contain information to the effect that an application for the issue of a certificate of competence in terms of these bylaws is to be submitted to the Council and that any person who wishes to object to the issue of such certificate shall lodge his objection, together with substantiated representations, with the Council in writing within 21 days of the date of publication of such notice.
- (2)(a) An application for the issue of a certificate of competence shall be made in writing by the applicant or his authorized representative to the Council, on the prescribed form.
- (b) An application for the issue of a certificate of competence shall be accompanied by:
- (i) a description of the premises and the location thereof; including equipment, storage facilities, description of areas to be used to prepare corpses and toilet facilities;
  - (ii) a complete ground plan of the proposed construction or of existing funeral

undertaking premises on a scale of 1:100 including the effluent disposal system;

(iii) a plan of the premises on which north is shown and which also indicates adjacent premises already occupied by the applicant or other persons and the purpose for which such premises are being utilised or are to be utilised;

(iv) particulars of any person other than the applicant or any of his employees who prepares or will prepare corpses on the premises;

(v) a contingency plan for the storage of corpses in the event of a refrigeration or cold room breakdown or power failure that will have the effect of causing the thermometer of refrigeration or cold room to pass the point marked 0,5<sup>o</sup>C;

(vi) an original pest control certificate, no older than 15 from date of application, signed by a person qualified and competent to do so, certifying that that the funeral existing undertakers premises or the proposed funeral undertakers premises is free of pests which may carry diseases detrimental to human health and that such premises, as the case may be, are rodent-proof;

(vii) proof of the published advertisement as contemplated in Section 33 (1) (a) above, and;

(viii) a suggested or current cleansing and disinfection system of the funeral undertaking premises.

- (3) The Council, when considering issuing a certificate of competence, may request from the applicant or any other person any such further information required.
- (4) The Council may not issue or transfer a certificate of competence unless a complete inspection of the premises concerned has been carried out by a medical officer of health or an environmental health officer appointed by the Council and his report on such inspection, including his recommendation on such issue or transfer, is in the possession of the Council.

#### **Issue or transfer of certificate of competence**

**35.** When the Council is satisfied that the premises concerned:-

- (1) complies with all requirements laid down in these bylaws and any other applicable legislation;
- (2) are in all respects suitable for the preparation of corpses; and
- (3) will not be offensive to any occupants of premises in the immediate vicinity of such premises, it may, on conditions as it may determine in respect of the funeral undertaker's premises concerned, issue a certificate of competence in the name of the applicant in such form as it

may determine or may, by endorsement, transfer an existing certificate of competence to a new holder, as the case may be.

#### **Validity and transfer of certificate of competence**

36. A certificate of competence, excluding a provisional certificate of competence, may, on endorsement by the Council, be transferable from one holder to a new holder and such certificate may, if so endorsed, be valid from the date on which it was issued until it is revoked or suspended in terms of these bylaws.

#### **Issue of provisional certificate of competence**

- 37.(1) Notwithstanding the fact that if the Council is not satisfied as contemplated in section 34 with regard to funeral undertaker's premises in respect of which a certificate of competence has been applied for, the Council may, in the case of existing funeral undertaker's premises and subject to such conditions as Council may determine, issue a provisional certificate of competence in respect of such premises.
- (2) A certificate referred to in subsection (a) will only be issued if the Council is satisfied that the use of such funeral undertaker's premises does not and will not create a nuisance, and will be issued for a maximum period of six months to enable the applicant to alter such premises in order to comply with the provisions of these bylaws.
- (3) If, after the period referred to in subsection (b), the premises do not comply with the provisions of these bylaws, the Council may revoke the provisional certificate of competence.

### **CHAPTER 7 REPEAL OF BY-LAWS**

#### **Repeal of By-Laws**

37. The Council's existing .....by-laws are hereby repealed.

### **CHAPTER 8 SHORT TITLE OF BY-LAW**

#### **Short title of the By-law**

- 38.(1) These by-laws will be called the Cemetery, Crematoria and Funeral Undertakers By-laws 200..

LOCAL AUTHORITY NOTICE 137 OF 2021

**UMZIMVUBU LOCAL MUNICIPALITY**

**STANDARD BY-LAWS RELATING TO THE KEEPING OF ANIMALS,  
BIRDS, POULTRY AND PETS**



## **KEEPING OF ANIMALS BY-LAW**

Be it enacted by the Council of the Umzimvubu Municipality, in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996, read with section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), the Minister of Environmental Affairs having authorized the Municipality to make these by-laws, as follows:

### **1. Definitions**

In the interpretation of these by-laws, words in the masculine gender include the feminine, the singular includes the plural and vice versa and the following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur:-

**"Animal"** means any horse, pony mule, sheep, goat donkey, cow or pig and any other livestock, reptile or wild animal, whether indigenous or exotic.

**"Approval"** means approval by the Council, or by a committee of the Council, or by councillors or officials acting in terms of powers delegated to them; and "approve" has a corresponding meaning.

**"Cat"** means a small-domesticated animal of the feline species. "Cattery" means an establishment where cats are bred or boarded and includes a pound where cats are kept.

**"Council"** means the legislative and executive authority of the Umzimvubu local municipality

**"Councillor"** means a member of the council; of the Umzimvubu Local Municipality "Law Enforcement Officer" means an employee of the Municipality appointed by the Council to enforce its by-laws and in possession of an appointment card issued by the Council attesting thereto; any member of the South African Police Service or a municipal police service; any peace officer; or any traffic officer appointed in terms of the Road Traffic Act of 1996.

**"Municipal Manager"** means the person appointed by the Umzimvubu Council in terms of Section 82 of the Local Government: Municipal Structures Act, 1998 and includes a person acting in this capacity

**"Dog"** means the male and female of this species.

**"Domestic Pet"** means a domesticated dog or cat.

**"Kennel"** means any establishment where dogs are bred, boarded or trained and includes any pound where dogs are kept.

**"Municipal Area"** means the area of jurisdiction of the Umzimvubu Local Municipality;

**"Poultry"** means any fowl, including any goose, ostrich, duck, turkey or guinea fowl;

**"Public Place"** includes any street, road, thoroughfare, sanitary passage, square or open space shown on a general plan of a township or settlement, filed in the deeds registry of Surveyor-General's office, and all land (other than even shown on the general plan) the control of which is vested, to the entire exclusion of the owner, in the Umzimvubu Local Municipality or to which the owners of even in the township have a common right, and for purposes of this definition "settlement" means a group of pieces of land or of subdivisions of a piece of land which are used or intended for use mainly for farming or horticulture, and includes a combination of such groups which is suitable for inclusion in one property register;

**"Township"** means a group of pieces of land, or of subdivisions of a piece of land, which are combined with public places and are used mainly for residential, industrial business or similar purposes, or intended to be so used;

**"Umzimvubu Local Municipality"** means the local municipality of Umzimvubu established in terms of Section 12 of the Local Government: Municipal Structures Act of 1998, and when referred to as an entity means a municipality as described in Section 2 of the Local Government: Municipal Systems Act, 2000 and when referred to as a geographic area means the area as determined in terms of the Local Government: Municipal Demarcation Act, 1998.

## **2 Prohibitions.**

*12.1] No person shall within the municipal area-*

*[i] keep any animal, bird or domestic pet in conditions likely to cause a nuisance or likely to constitute a danger to health; or on premises which the Medical Officer of Health shall have*

*certified as being unfit for such purpose;*

*[ii] keep any animal, except a domestic pet or small bird in a cage, in any dwelling house or residential apartment;*

*[iii] keep any wild, ferocious or dangerous animal.*

*[iv] keep any animal, bird or domestic pet, which by reason of continued howling, crowing or other noise, disturbs the public peace or is a source of nuisance to the neighbourhood,*

*[v] by any means whatsoever wilfully frighten, tease or enrage any animal or domestic pet,*

*[vi] keep any dog for which no valid licence is held, unless exempted in terms of these bylaws or for which no valid rabies certificate is held.*

*2.21 No person shall within any proclaimed township-*

*[i] Keep on any premises any livestock without the written consent of the Council, unless such premises are zoned for agricultural purposes.*

*[ii] Keep live poultry without the written consent of the Council on property in extent less than 4000 square meters.*

*keep any pigeons without the consent of the Council.*

*practice animal husbandry without the written consent of the Council on any premises, unless such premises are zoned for agricultural purposes;*

*without the written consent of the Council, keep more than two dogs or more than two cats*

*Keep a dog in season unless such dog is under proper control so as to prevent such dog from being a nuisance to neighbours or the public.*

**3. Structures Accommodating Animals (or in which Poultry is kept) [3.1] No structure,**

*which accommodates animals, shall be sited*

[i] within 15 meters of any boundary, which abuts a residential erf, or [ii] within 6 meters of any boundary which abuts any road or public place, or

[iii] within 4 metres of any dwelling, residential apartment, shop; or any building where food is stored or processed.

[3.2] No structure in which poultry is kept shall be sited

[i] within 1, 5 meters of any boundary that abuts a residential erf [ii] within 1, 5 meters of any dwelling, residential apartment, shop; or any building where food is stored or processed.

[3.3] All structures in which animals or poultry is kept shall be suitably screened from any street or public place, to the satisfaction of the Council.

[3.4] The Council may upon application, considering conditions peculiar to the property concerned, and taking into account any objections that may be received from adjoining neighbours, relax- the requirements to the siting of the structure concerned and impose other conditions deemed appropriate.

[3.5] No structure in which animals or poultry is kept shall share a common roof space with any habitable room.

[3.6] All structures erected to accommodate animals; or in which poultry is to be kept shall be built to plans and specifications approved by the Council.

### **General Requirements for the Keeping of Animals and Poultry on Premises**

[4.1] All manure and other waste resulting from the keeping of animals or poultry shall be stored under shelter in sealed fly proof containers and disposed on a regular basis, such

disposal not to include composting on the premises

[4.2] Premises upon which animals and poultry are kept shall be kept in such a condition as not to attract flies or rodents or to provide harbourage for rodents.

[4.3] All feeds kept for animals and poultry on the premises shall be kept in a rodent proof place, container or storeroom.

[4.4] The Council may by notice in writing direct that a fly and rodent proof manure or feed store be constructed on the premises to specifications and of materials stipulated therein.

### **Kennels and Catteries.**

[5.1] All kennels and catteries shall be built to plans and specifications approved by the Council and shall provide-

that every dog or cat is kept in a separate enclosure

that a supply of potable water is provided in or adjacent to every enclosure, adequate for drinking and cleaning purposes

adequate isolation facilities are provided for dogs and cats that are sick

[5.2] The owner or occupier of the premises shall ensure that any kennel or cattery, as the case may be, is at all times kept thoroughly clean and free of any waste material.

### **6. Pigeon Lofts and Aviaries.**

[6.1] All pigeon lofts and aviaries shall be built to plans and specifications approved by the Council.

[6.2] The owner or occupiers of the premises shall ensure that any pigeon loft or aviary, as the case may be, is at all times -[i] kept in good order and repair, [ii] thoroughly clean,

free of waste material and clear of vermin.

## **7. General**

[7.1] Carcasses of animals and, poultry (including domestic pets and birds) shall be disposed of by the owner at the owner's expense and in a manner approved by the Council.

[7.2] No person being the owner or person in charge of any animal, shall permit such animals to be on any street or public place, except whilst such is being transported in or on a vehicle; or, with the prior written consent of the Council and subject to such conditions as may have been imposed by the Council.

[7.3] No person being the owner or person in charge of a dog shall permit such dog to be on any street or public place, unless such dog is on a leash or harness, or in a park or other open space except where the Council, by notice, has permitted dogs to be at large

[7.4] Any animal, including domestic pets found at large may be seized and removed to a place of safety or to the nearest pound.

[7.5] The owner of any dog of an age of six months or more is required to licence such dog, provided, however that a dog used by a blind person as a guide dog and a dog under the care of the Society for the Prevention of Cruelty to Animals or similar body recognised in writing by the Council shall be exempt from such requirement.

## **Entry And Inspection**

[8.1] The Council through its law enforcement officers shall be entitled upon production of a duly attested municipal identity document to enter into and upon the premises, at reasonable times, to carry out any inspections necessary for the proper and administration and enforcement of the provisions of these bylaws.

## Notices

[9.1] Where it comes to the notice of the council that a person is in contravention of provisions or provisions of these bylaws, the Council may cause a notice to be served on the person concerned to take such action as may be necessary to comply within a period of time specified therein.

[9.2] Should the Council's demands, as set out in the notice, not be carried out within the time period specified in the notice, the Council may, without further notice, carry out such actions that may be specified in such notice and recover any costs incurred from the person on whom the notice was served.

[9.3] Where any notice or other document is required by these bylaws to be served on any person, such notice or document shall be deemed to have been properly served if served personally on the person concerned, or any member of the person's household apparently over the age of 16 years, or at the person's place of residence, or on any person employed by or with him or her at the person's place of business, or if it is posted by registered mail to such person's residential or business address as it appears in the records of the municipality, or if such person is a company, closed corporation or trust, if served on any person apparently employed by such company, closed corporation or trust at the registered office thereof, or sent by registered mail to such office.

## 10 Offences

[10.1] Any person who-

[i] contravenes or fails to comply with any provisions of these bylaws;

contravenes or fails to comply with any requirements set out in a notice served on him or her in terms of these bylaws;

contravenes or fails to comply with any condition imposed in terms of these bylaws;

knowingly makes a false statement in respect of any application in terms of these bylaws, shall be guilty of an offence and on conviction liable to a fine or imprisonment as set out below.

[10.2]. The fines and penalties applicable to offences in terms of these bylaws are;

upon conviction of a first offence, the guilty party shall be liable to a fine not exceeding R5000, 00, as adjusted from time to time or in default of payment, to imprisonment for a period not exceeding one month; in the case of a continuing offence, the guilty party shall be liable to a further fine not exceeding R5000, 00 as adjusted from time to time; upon conviction of a second or subsequent offence, the guilty party shall be liable to a fine not exceeding R10000, 00 as adjusted from time to time or in default of payment to imprisonment for a period not exceeding 3 months.

[10.3] A Court convicting a person of an offence in terms of these bylaws may impose an alternative sentence in lieu of a fine or imprisonment.

## **11. Jurisdiction**

[11.1] Notwithstanding anything to the contrary contained in any law relating to Magistrates Courts, a Magistrate shall have jurisdiction, on application by the Council, to make an Order for the enforcement of any of the provisions of these bylaws or of any approval.

## **12. Saving and Repeals**

[12.1] These bylaws repeal and replace all other bylaws relating to the keeping of animals and birds hitherto applied in the areas now under the jurisdiction of the Umzimvubu Local Municipality, provided that any application for permissions made prior to the promulgation of these bylaws shall be considered by the Council in terms of these bylaws; provided further that anything unlawfully done and not complying with these bylaws shall remain unlawful.

## **13. EXPLANATORY MEMORANDUM**



These by-laws deal specifically with the keeping of animals, birds as well as domestic pets. It was considered desirable to deal with all manner of animals in one set of bylaws to avoid confusion

The definitions distinguish specifically as; between animals in general and what are considered to be domestic pets. For the purposes of these bylaws domestic pets are confined to dogs and cats. Whilst such a close fit definition may be construed as limiting the keeping of other tame animals this is not quite so. A rabbit for example may be kept, but not in dwelling house or residential apartment.

The by-laws also distinguishes a township area from the municipal area as a whole and because of the nature, the different types of townships that maybe found in a municipal area

it was felt that the definition of "township" should follow the description to be found in the Deeds Registry Act.

The by-laws prescribe certain prohibitions that apply to the whole of the municipal area and more definitive prohibitions that would apply only within a defined township area.

**LOCAL AUTHORITY NOTICE 138 OF 2021****GREAT KEI LOCAL MUNICIPALITY****MUNICIPAL PROPERTY RATES BY-LAW**

Great Kei Municipality hereby, in terms of section 6 of the Local Government: Municipal Property Rates Act, 2004, has by way of resolution number 6.7 held in a Council meeting dated 27 May 2021 adopted the Municipality's Property Rates By-law set out hereunder.

**PREAMBLE**

WHEREAS section 229(1) of the Constitution requires a municipality to impose rates on property and surcharges on fees for the services provided by or on behalf of the municipality;

AND WHEREAS section 13 of the Municipal Systems Act read with section 162 of the Constitution requires a municipality to promulgate municipal by-laws by publishing them in the gazette of the relevant province;

AND WHEREAS section 6 of the Local Government: Municipal Property Rates Act, 2004 requires a municipality to adopt by-laws to give effect to the implementation of its property rates policy; the by-laws may differentiate between the different categories of properties and different categories of owners of properties liable for the payment of rates;

NOW THEREFORE IT IS ENACTED by the Council of the Great Kei Municipality, as follows:

**1. DEFINITIONS**

In this By-law, any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), shall bear the same meaning unless the context indicates otherwise-

**'Municipality'** means Great Kei Local Municipality;

**'Municipal Property Rates Act'** means the Local Government: Municipal Property Rates Act, 2004 (Act No 6 of 2004);

**'Rates Policy'** means the Great Kei Municipality's property rates policy adopted by the Council in terms of section 3(1) of the Local Government: Municipal Property Rates Act, 2004.

## 2. OBJECTS

The object of this By-law is to give effect to the implementation of the municipality's Rates Policy as contemplated in section 6 of the Municipal Property Rates Act.

## 3. THE RATES POLICY

The municipality prepared and adopted a Rates Policy as contemplated in terms of the provisions of section 3(1) of the Municipal Property Rates Act. The Rates Policy outlines the municipality's rating practices; therefore, it is not necessary for this By-law to restate and repeat same.

The Rates Policy is hereby incorporated by reference in this By-law. All amendments to the Rates Policy as the Council may approve from time to time, shall be deemed to be likewise incorporated.

The Municipality does not levy rates other than in terms of its Rates Policy and the annually promulgated resolution levying rates which reflects the cent amount in the Rand rate for each category of rateable property.

The Rates Policy is available at Great Kei Main Office Komga, Cintsa Satellite Office, Kei Mouth Satellite office, Haga Haga Library, Komga Library and on the municipal website: [www.greatkeilm.gov.za](http://www.greatkeilm.gov.za) where members of the public can easily access the Rates Policy because it must be easily accessible to the persons it affects.

#### **4. CATEGORIES OF RATEABLE PROPERTIES**

The Rates Policy provides for categories of rateable properties determined in terms of section 8 of the Act.

#### **5. CATEGORIES OF PROPERTIES AND CATEGORIES OF OWNERS OF PROPERTIES**

The Rates Policy provides for categories of properties and categories of owners of properties for the purposes of granting relief measures (exemptions, reductions and rebates) in terms of section 15 of the Act.

#### **6. ENFORCEMENT OF THE RATES POLICY**

The Municipality's Rates Policy is enforced through the municipality's Credit Control and Debt Collection Policy and any further enforcement mechanisms stipulated in the Act and the Municipality's Rates Policy.

#### **7. SHORT TITLE AND COMMENCEMENT**

This By-law is called the Great Kei Local Municipal Property Rates By-law, and takes effect on the date on which it is published in the *Provincial Gazette*.

## LOCAL AUTHORITY NOTICE 139 OF 2021



## EMALAHLENI MUNICIPALITY

PUBLIC NOTICE: 14/5/2021

CALL FOR INSPECTION OF SUPPLEMENTARY VALUATION ROLL 2021  
AND LODGING OF OBJECTIONS

Notice is hereby given in terms of Section 49 (1) (a) (i) read in conjunction with Section 78 (2) of the Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004), hereinafter referred to as the "Act" that the Supplementary Valuation Roll is open for public inspection. The Supplementary Valuation Roll can be inspected at the venues listed below from 19 May 2021 to 19 June 2021, from Monday to Friday, between 8:00 & 16:30.

Any owner of property or other person who so desires, may lodge an objection with the Municipal Manager at Emalahleni Municipality in respect of any matter reflected in, or omitted from the Supplementary Valuation Roll within the above-mentioned period.

**The Supplementary Valuation Roll will be available for inspection at:**

The Emalahleni Municipal Offices and Libraries at: **Lady Frere, Dordrecht and Indwe**  
Objection forms will be available at the above-mentioned offices. All objections may be submitted to:

**The Municipal Manager  
Emalahleni Municipality.  
37 Indwe Road  
Lady Frere  
5410**

In terms of the Municipal Property Rates Act 2004, objections apply to a particular property and not to the Roll itself.

**Queries can be directed to the following person:**

**Mr L Juwele – Accountant: Revenue**

**Email address: [Juwelel@emalahlenilm.gov.za](mailto:Juwelel@emalahlenilm.gov.za)**

**Telephone No: 047 - 878 2000**

Yours faithfully





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