



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

**Provincial Gazette  
Igazethi Yephondo  
Provinsiale Koerant**

Vol. 26

BISHO/KING WILLIAM'S TOWN  
4 NOVEMBER 2019  
4 NOVEMBER 2019

No. 4340

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



**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

**Prevention is the cure**

*N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes*

ISSN 1682-4556



04340



**IMPORTANT NOTICE OF OFFICE RELOCATION**

# GOVERNMENT PRINTING WORKS PUBLICATIONS SECTION

Dear valued customer,

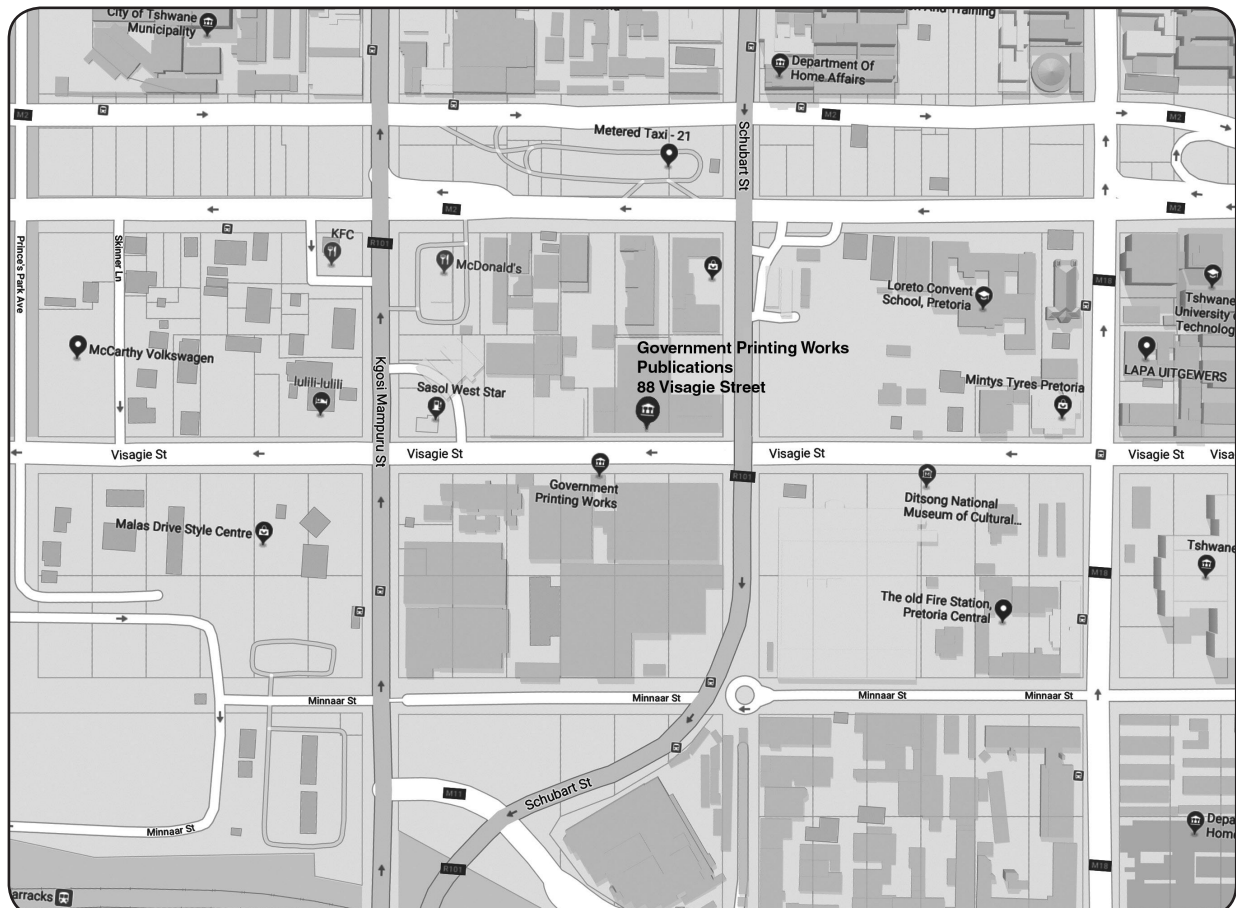
We would like to inform you that with effect from the 1<sup>st</sup> of November 2019, the Publications Section will be relocating to a new facility at the corner of **Sophie de Bruyn** and **Visagie Street, Pretoria**. The main telephone and facsimile numbers as well as the e-mail address for the Publications Section will remain unchanged.

Our New Address:  
**88 Visagie Street**  
**Pretoria**  
**0001**

Should you encounter any difficulties in contacting us via our landlines during the relocation period, please contact:

Ms Maureen Toka  
Assistant Director: Publications  
Cell: 082 859 4910  
Tel: 012 748-6066

We look forward to continue serving you at our new address, see map below for our new location.



**IMPORTANT NOTICE:**

**THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.**

**No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.**

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government  
printing

Department:  
Government Printing Works  
REPUBLIC OF SOUTH AFRICA

## HIGH ALERT: SCAM WARNING!!!

### TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works (GPW)*.

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works*. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

[PROCUREMENT@GPW-GOV.ORG](mailto:PROCUREMENT@GPW-GOV.ORG)

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

*GPW* has an official email with the domain as [@gpw.gov.za](mailto:gpw@gpw.gov.za)

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

*GPW* will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

*Government Printing Works* gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.

## Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

### How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at [www.gpwonline.co.za](http://www.gpwonline.co.za)
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.  
Email: [Annamarie.DuToit@gpw.gov.za](mailto:Annamarie.DuToit@gpw.gov.za)

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.  
Email: [Bonakele.Mbhele@gpw.gov.za](mailto:Bonakele.Mbhele@gpw.gov.za)

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.  
Email: [Daniel.Legoabe@gpw.gov.za](mailto:Daniel.Legoabe@gpw.gov.za)

# Closing times for **ORDINARY WEEKLY** **2019** **EASTERN CAPE PROVINCIAL GAZETTE**

The closing time is **15:00** sharp on the following days:

- **28 December 2018**, Friday for the issue of Monday **07 January 2019**
- **07 January**, Monday for the issue of Monday **14 January 2019**
- **14 January**, Monday for the issue of Monday **21 January 2019**
- **21 January**, Monday for the issue of Monday **28 January 2019**
- **28 January**, Monday for the issue of Monday **04 February 2019**
- **04 February**, Monday for the issue of Monday **11 February 2019**
- **11 February**, Monday for the issue of Monday **18 February 2019**
- **18 February**, Monday for the issue of Monday **25 February 2019**
- **25 February**, Monday for the issue of Monday **04 March 2019**
- **04 March**, Monday for the issue of Monday **11 March 2019**
- **11 March**, Monday for the issue of Monday **18 March 2019**
- **15 March**, Friday for the issue of Monday **25 March 2019**
- **25 March**, Monday for the issue of Monday **01 April 2019**
- **01 April**, Wednesday for the issue of Monday **08 April 2019**
- **08 April**, Monday for the issue of Monday **15 April 2019**
- **12 April**, Friday for the issue of Monday **22 April 2019**
- **18 April**, Thursday for the issue of Monday **29 April 2019**
- **26 April**, Friday for the issue of Monday **06 May 2019**
- **06 May**, Monday for the issue of Monday **13 May 2019**
- **13 May**, Monday for the issue of Monday **20 May 2019**
- **20 May**, Monday for the issue of Monday **27 May 2019**
- **27 May**, Monday for the issue of Monday **03 June 2019**
- **03 June**, Monday for the issue of Monday **10 June 2019**
- **10 June**, Monday for the issue of Monday **17 June 2019**
- **14 June**, Friday for the issue of Monday **24 June 2019**
- **24 June**, Monday for the issue of Monday **01 July 2019**
- **01 July**, Monday for the issue of Monday **08 July 2019**
- **08 July**, Monday for the issue of Monday **15 July 2019**
- **15 July**, Monday for the issue of Monday **22 July 2019**
- **22 July**, Monday for the issue of Monday **29 July 2019**
- **29 July**, Monday for the issue of Monday **05 August 2019**
- **02 August**, Friday for the issue of Monday **12 August 2019**
- **12 August**, Monday for the issue of Monday **19 August 2019**
- **19 August**, Monday for the issue of Monday **26 August 2019**
- **26 August**, Monday for the issue of Monday **02 September 2019**
- **02 September**, Monday for the issue of Monday **09 September 2019**
- **09 September**, Monday for the issue of Monday **16 September 2019**
- **16 September**, Monday for the issue of Monday **23 September 2019**
- **20 September**, Friday for the issue of Monday **30 September 2019**
- **30 September**, Monday for the issue of Monday **07 October 2019**
- **07 October**, Monday for the issue of Monday **14 October 2019**
- **14 October**, Monday for the issue of Monday **21 October 2019**
- **21 October**, Monday for the issue of Monday **28 October 2019**
- **28 October**, Monday for the issue of Monday **04 November 2019**
- **04 November**, Monday for the issue of Monday **11 November 2019**
- **11 November**, Monday for the issue of Monday **18 November 2019**
- **18 November**, Monday for the issue of Monday **25 November 2019**
- **25 November**, Monday for the issue of Monday **02 December 2019**
- **02 December**, Monday for the issue of Monday **09 December 2019**
- **09 December**, Monday for the issue of Monday **16 December 2019**
- **13 December**, Friday for the issue of Monday **23 December 2019**
- **19 December**, Thursday for the issue of Monday **30 December 2019**



# LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

**COMMENCEMENT: 1 APRIL 2018**

## NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

## EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3026.32** per page.

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

### CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website [www.gpwonline.co.za](http://www.gpwonline.co.za)

All re-submissions will be subject to the standard cut-off times.

**All notices received after the closing time will be rejected.**

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
<i>Extraordinary Gazettes</i>	As required	Any day of the week	<i>Before 10h00 on publication date</i>	<i>Before 10h00 on publication date</i>
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days <b>after</b> submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication



## GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days <b>after</b> submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days <b>after</b> submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days <b>after</b> submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

### EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

### NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website [www.gpwonline.co.za](http://www.gpwonline.co.za).
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za). The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
  - 8.1. Each of the following documents must be attached to the email as a separate attachment:
    - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
      - 8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
      - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
    - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. (*Please see Quotation section below for further details*)
    - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
    - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (*Please see the Copy Section below, for the specifications*).
    - 8.1.5. Any additional notice information if applicable.

**GOVERNMENT PRINTING WORKS - BUSINESS RULES**

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by “walk-in” customers on electronic media can only be submitted in *Adobe* electronic form format. All “walk-in” customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

**QUOTATIONS**

13. Quotations are valid until the next tariff change.
  - 13.1. **Take note:** **GPW**'s annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
  - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
  - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
  - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
  - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
    - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
  - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
  - 19.1. This means that **the quotation number can only be used once to make a payment.**

**GOVERNMENT PRINTING WORKS - BUSINESS RULES****COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

**CANCELLATIONS**

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must accompanied by the relevant notice reference number (N-) in the email body.

**AMENDMENTS TO NOTICES**

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

**REJECTIONS**

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

**GOVERNMENT PRINTING WORKS - BUSINESS RULES****APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

**GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY**

27. The Government Printer will assume no liability in respect of—
  - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
  - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
  - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

**LIABILITY OF ADVERTISER**

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

**CUSTOMER INQUIRIES**

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

**GPW** has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

### PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za) before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

### PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website [www.gpwonline.co.za](http://www.gpwonline.co.za) free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette*(s)

## GOVERNMENT PRINTING WORKS CONTACT INFORMATION

**Physical Address:**
**Government Printing Works**

149 Bosman Street

Pretoria

**Postal Address:**

Private Bag X85

Pretoria

0001

**GPW Banking Details:**
**Bank:** ABSA Bosman Street

**Account No.:** 405 7114 016

**Branch Code:** 632-005

**For Gazette and Notice submissions:** Gazette Submissions:

**For queries and quotations, contact:** Gazette Contact Centre:

**E-mail:** [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za)
**E-mail:** [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)
**Tel:** 012-748 6200

**Contact person for subscribers:** Mrs M. Toka:

**E-mail:** [subscriptions@gpw.gov.za](mailto:subscriptions@gpw.gov.za)
**Tel:** 012-748-6066 / 6060 / 6058

**Fax:** 012-323-9574

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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS**

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**NOTICE 36 OF 2019****NOTICE TO ADVERTISE REMOVAL OF RESTRICTIVE CONDITIONS: 1031 BEACON BAY (6 CLEARVIEW CRESCENT)**

**In terms of Section 47(1) of the Special Planning and Land Use Management Act No. 16 of 2013, read with Section 59 of the Buffalo City Metropolitan Spatial Planning and Land Use Management by Law of 2016, approval is hereby granted for the Removal of Restrictive Title Condition C 4( b) and d) found in Deed of Transfer T2065/2013 , pertaining to ERF 1031 BEACON BAY**



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**PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**

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**PROVINCIAL NOTICE 304 OF 2019****PROVINCE OF THE EASTERN CAPE****PROVINCIAL NOTICE****DEPARTMENT OF SPORT, RECREATION, ARTS AND CULTURE****CALL FOR NOMINATION OF PERSONS TO SERVE AS MEMBERS OF THE EASTERN CAPE PROVINCIAL ARCHIVES AND RECORDS SERVICE COUNCIL IN TERMS OF SECTION 7 OF THE PROVINCIAL ARCHIVES AND RECORDS SERVICE ACT, (EASTERN CAPE) 2000, (ACT NO. 7 OF 2003)**

I, Fezeka Bayeni, Member of the Executive Council responsible for Sport, Recreation, Arts and Culture in the Province of the Eastern Cape, acting in terms of Section 6 of the Provincial Archives and Records Service Act, 2003 (Act No. 7 of 2003)(Eastern Cape), hereby invite interested parties to nominate candidates for appointment to serve as members of the Eastern Cape Provincial Archives and Records Service Council.

Acting in terms of powers vested in me by Section 7(2) of Act No. 7 of 2003(Eastern Cape) I hereby invite interested parties to nominate candidates to serve as members of the Eastern Cape Provincial Archives and Records Service Council.

**Nomination and Qualifying Criteria:**

Nominees must have special knowledge or experience in the fields of archival and heritage matters, records management, public service administration, research or law and digitization.

Nominees shall be nominated by any member of the public. Nominators are required to submit a detailed motivation of the nominee, curriculum vitae containing the full names, address, telephone, fax and/or e-mail address of the nominee and a letter acceptance from the nominee.

**Responsibilities:**

- Fulfill the statutory role to advise the Member of the Executive Council on matters pertaining to archives and records services;
- Fulfil the statutory functions as prescribed by applicable legislation.

Appointed members of the Council would be expected to render their services to the Council on a voluntarily basis and would only be compensated, as the MEC may determine, for the reasonable and necessary travelling and accommodation costs incurred in rendering such services.

Nominations must be submitted to the address mentioned below by no later than the 15 November 2019 for attention:-

Mrs. Lungiswa Mtiki, Tel no. 043 492 1017, email [Lungiswa.Mtiki@ecsrac.gov.za](mailto:Lungiswa.Mtiki@ecsrac.gov.za)  
or Ms. Thembakazi Mopi at (043) 492 1009, email [Thembakazi.Mopi@ecsrac.gov.za](mailto:Thembakazi.Mopi@ecsrac.gov.za)

Office of the Member of the Executive Council, Department of Sport, Recreation, Arts and Culture, Wilton Mkwazi Complex, 5 Eales Street, King Williams Town, 5601 or Private Bag X0020, Bhisho, 5605.



FEZEKA BAYENI

MEC FOR SPORT, RECREATION, ARTS AND CULTURE

PROVINCIAL NOTICE 305 OF 2019

**BUFFALO CITY METROPOLITAN MUNICIPALITY (EASTERN CAPE)**

Removal of restrictions in terms of the Spatial Planning and Land Use Management Act No. 16 of 2013.

**ERF 3727 (a portion of Erf 1254) BEACON BAY, EASTERN CAPE**

Under Section 47(1) of the Spatial Planning and Land Use Management Act No. 16 of 2013 read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning and Land Use Management By-Law of 2016 and upon the instructions of the Buffalo City Metropolitan Municipality, notice is hereby given that condition B.3 in Deed of Transfer No. T12320/2019 pertaining to Erf 3727 (a portion of Erf 1254) Beacon Bay is hereby removed.

**PROVINCIAL NOTICE 306 OF 2019****DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS****NELSON MANDELA BAY MUNICIPALITY****REMOVAL OF RESTRICTIONS ACT, 1967:****ERF 2735 KORSTEN, PE**

Under section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967) as amended, and on application by the owner of Erf 2735 Korsten, Port Elizabeth, Conditions A(a), (b), (c) and (d) in Deed of Transfer No. T000017318/ 2008 are hereby removed.

**PROVINCIAL NOTICE 307 OF 2019****NOTICE OF INTENTION TO APPLY FOR THE CANCELLATION OF A LOST/DESTROYED BOND**

Notice is hereby given in terms of Regulation 68 of the Deeds Registries Act, 42 of 1937, of the intention to apply for the cancellation of the registration of Mortgage Bond Number B912/1995 dated 27<sup>th</sup> October 1995 passed by Silulami Clayton Nontenja, born on 27 September 1950, for the sum of R240 000, 00 (Two Hundred And Forty Thousand Rand) plus an additional sum of R60 000, 00 (Sixty Thousand Rand) in favour of THE STANDARD BANK OF SOUTH AFRICA LIMITED, Registration Number 1962/000738/06, in respect of certain piece of land being ERF 2744 (PORTION OF ERF 2030) UMTATA, SITUATED IN THE MUNICIPALITY OF UMTATA, DISTRICT OF UMTATA, PROVINCE OF THE EASTERN CAPE, which has been lost or destroyed.

All persons having objection to the cancellation of the registration of such bond are hereby required to lodge the same in writing with the Registrar of Deeds at Umtata, within 6 weeks after the date of the first publication of this notice.

Dated at Port Elizabeth on this 08<sup>th</sup> day of October 2019.

.....  
JOUBERT GALPIN SEARLE  
173 CAPE ROAD, MILL PARK, PORT ELIZABETH  
Email: [heloisej@jgs.co.za](mailto:heloisej@jgs.co.za)  
041 396 9230

**PROVINCIAL NOTICE 308 OF 2019**

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 445 Cotswold, 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 B6(a),(b),(c) and (d) in Deed of Transfer No. T65388/2013 applicable to Erf 445 Cotswold is/are hereby removed.

## PROVINCIAL NOTICE 309 OF 2019

**SECTION 49 – PUBLIC NOTICE OF THE SUPPLEMENTARY VALUATION ROLL 2019 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 313, Ngqushwa Local Municipality, Peddie and also the Hamburg Satellite office for the period 30 October 2019 to 29 November 2019, 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)

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 General 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, 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, 29 November 2019 BEFORE 16:00

**MUNICIPAL MANAGER MRS MP MPAHLWA  
NGQUSHWA LOCAL MUNICIPALITY**

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

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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

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LOCAL AUTHORITY NOTICE 274 OF 2019



# LIQUOR TRADING HOURS BY-LAWS

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UPHULISO KUMNTU WONKE

## **UMZIMVUBU LOCAL MUNICIPALITY LIQUOR TRADING HOURS BY-LAW**

The Municipal Manager hereby publishes, in terms of section 13 of the Local Government: Municipal Systems Act, 2000 [Act No. 32 V 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 Control over Buildings that come into operation on the date of publication thereof.

### **LIQUOR TRADING HOURS BY-LAWS**

#### **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];

**AND WHEREAS** the Council of the Municipality in the exercise of its functions has an obligation in terms of section 42 of the Eastern Cape Liquor Act, 2003 [Act No. 10 of 2003] to regulate the hours during which liquor may be sold and regulate the operating hours of premises where on-site consumption of liquor takes place in the demarcated municipal area and to provide for incidental matters;

**BE IT THEREFORE** enacted by the Council as follows:

#### **TABLE OF CONTENTS**

- [1] Definitions
- [2] Application of By-Laws
- [3] Trading hours
- [4] Report by Ward Committee
- [5] Enforcement
- [6] Offences
- [7] Penalties Schedule
- [8] Repeal of by-laws



## [1] DEFINITIONS

In these by-laws, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and, unless the context otherwise indicates:-

**"Act"** means the Eastern Cape Liquor Act, 2003 [Act No. 10 of 2003];

**"Authorized official"** means any person authorized by the Council to implement and enforce compliance with these by-laws;

**"Board"** means the Eastern Cape Liquor Board established by section [4] of the Act;

**"Council"** means the Council of the uMzimvubu Municipality or any other political structure or officer bearer as defined in the Local Government: Municipal Structures Act, 1998 [Act No. 117 of 1998] or official including the authorized official acting by virtue of powers delegated to it or him by the Council with regard to the application and enforcement of these by-laws;

**"community"** means those residents, governing body of schools or places of worship occupying premises within a 100m radius from the premises in respect of which an application for registration and/or a license or authorization in terms of the Act is made;

**"Municipal Manager"** means the Municipal Manager of the Municipality appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 and includes any person acting in this position;

**"Liquor trading establishment"** means any fixed property from which liquor is sold or supplied to the public for consumption;

**"Official"** means an official of the Municipality;

**"premises"** includes any place, land, building or conveyance or any part thereof which is registered or seeking to be registered in order to permit and allow trading in liquor;

**"Regulations"** means the regulations made under the Act and published in Provincial Notice No. 17 of 2004, dated 28 May 2004 as may be amended from time to time;

**"trading hours"** means the time when a liquor trading establishment opens to the time that such establishment ceases to trade and, in the case of on-site consumption establishments, the time when they cease to operate and must close in accordance with Schedule 1 of these by-laws;

**"Trader"** means a person trading in liquor from a liquor trading establishment;

**"Ward committee"** means a committee as contemplated in the Local Government: Municipal Structures Act, 1998.

## **[2] APPLICATION OF BY-LAWS**

These by-laws are applicable in respect of all premises situated within the area of jurisdiction of the Municipality where trading in liquor is conducted or is intended or permitted to be conducted in terms of any Town Planning Zoning Scheme of the Municipality or made applicable to the Municipality and/or consent usage granted by the Municipality and/or any title deed conditions applicable to such premises.

## **[3] TRADING HOURS**

- [1] The trading hours of the different types of registrations listed in the first column of Schedule 1 reflect the trading hours listed in the second column of the said Schedule.
- [2] A departure from the hours stipulated in Schedule 1 is permissible only upon application to and with the prior written approval by Municipality.
- [3] The Municipality itself reserves the right by notice in the press in such languages as the Municipality may determine to deviate from the stipulated trading hours in the interests of the community.

## **[4] REPORT BY WARD COMMITTEE**

- [1] A ward committee must, upon receipt of a notice of application for registration in terms of section 22[2][d][1] of the Act, hold a consultative meeting with the owners of immovable property and businesses and with residents in the immediate vicinity of the premises in respect of which the application applies and record in writing all comments [if any] with regard to such application;
- [2] The councilor responsible for the ward in respect of which an application contemplated in subsection [1] has been made must submit a report to the Municipality within 30 days of referral of such application to the ward committee concerned and such report must contain:
  - [a] the details of the consultative process with the community,  
Including the —
    - [i] Dates when the consultation took place; and
    - [ii] Names and addresses of persons who were consulted.
  - [b] Comments on the application;
  - [c] Details of objections received in respect of such application, if any;

[d]Comments on such application; and

[e]A recommendation with regard to such application.

[3] The Municipal Manager must report the application and the comments of the ward committee concerned to the Council at its first meeting after receipt of the comments of such Committee and thereafter expeditiously inform the Board of the resolution of the ward committee and the Council on such application:

Provided that the Municipal Manager must provide the applicant with reasons within seven days of such referral to the Council if the application and comments of the ward committee could not, for any reason whatsoever, be considered by the Council.

[4] The Council may, when considering an application, appoint an official to conduct further

investigation and obtain any further information that it deems necessary from any person deemed necessary by the Council: Provided that the Municipal Manager must notify the applicant within seven days of such referral by the Council.

[5]An official appointed in terms of subsection [4] must complete the investigation within such period as Council may have deemed necessary and report his or her findings to the Council at its next meeting.

[6] The Council must consider the findings contemplated in subsection [5] and thereafter take the steps contemplated in subsection [3].

## **[5] HOURS OF TRADING**

[1] The trading hours, as listed in Column 2 of Schedule 1 to this by-law of the different kinds of registrations, as contemplated in section 20 of the Act, as listed in Column 1 of the Schedule, have been determined by the Municipality and may be reviewed by the Municipality from time to time.

[2] Subject to section 6, no trader may sell liquor to a person at a time other than those hours stipulated as trading hours under subsection [1]:

Provided that nothing contained in these by-laws —

[a] Prevents liquor trading premises from remaining open outside liquor trading hours exclusively for the sale of goods other than liquor; and

[b] Permits a trader to sell liquor to a person who is under the age of eighteen years, or to allow a person under the age of eighteen years to consume liquor on liquor trading premises.

[3] A trader who contravenes subsection [2] commits an offence.

## **[6] EXEMPTIONS**

- [1] The Municipality may grant written consent to a trader to sell liquor at hours other than those hours stipulated as trading hours in section 5[1] and a trader who wishes to sell liquor at such hours must, before he or she sells such liquor, obtain such written consent of the Municipality.
- [2] A trader who wishes to obtain the consent of the Municipality must complete a form similar to the APPLICATION FOR CONSENT TO SELL LIQUOR OUTSIDE TRADING HOURS FORM as contained in Schedule 2 and submit the form and other particulars as the Municipality may request, to the Office of the Municipal Manager.
- [3] The Municipality may, after consideration of the application, refuse to grant consent or grant consent and should the Municipality grant consent, it may do so subject to any condition or restriction it may deem necessary, which consent and condition or restriction, if imposed, must be entered in item C of the form contained in Schedule 2.
- [4] A trader who has been granted consent in terms of subsection [3] must display, in a conspicuous place on the premises regarding which the consent has been granted and during those times for which the consent has been granted, a copy of the form on which the consent of the Municipality has been entered.
- [5] A trader who contravenes subsection [1] or [4], or who sells liquor in contravention of a condition or restriction imposed in terms of subsection [3], or who displays a forged form, commits an offence.

## **[7] LIAISON FORUMS**

- [1] The Municipality may, in respect of this by-law, establish one or more liaison forums in a community for the purposes of —
- [a] Creating conditions for a local community to participate in the affairs of the Municipality; and
  - [b] Encouraging a local community to participate in the affairs of the Municipality. [2] A liaison forum may consist of —
    - [a] a member of members of an interest group, or an affected person, or affected persons;
    - [b] a member or members of a community in whose immediate area a liquor outlet exists;
    - [c] a designated official or officials of the municipality; and
    - [d] The councilor responsible for environmental health.

[2] The Municipality, when considering liquor trading hours in terms of these by-laws, may request the input of a liaison forum and a liaison forum or any person or persons contemplated in subsection

[2] May, on own initiative, submit an input to the Municipality for consideration.

## **[8] ENFORCEMENT**

[1] The Municipality may appoint, authorize and mandate such officials as it may deem necessary to implement and enforce these by-laws.

[2] Each official appointed in terms of subsection [1] must be issued with an identity card containing:-

[a] A photograph of that official;

[b] The date of the Council resolution authorizing his or her appointment;

[c] His or her designation; and

[d] A brief reference to his or her duties and obligations in terms of these by-laws;

[3] An official, acting within the powers vested by these by-laws must, on demand by a member of the public, produce proof of identity and the capacity in which such official purports to carry out his or her duties;

[4] An official, acting in terms of the authorization or mandate contemplated in subsection [1] may:-

[a] At all reasonable times, enter upon premises on which a business is being or is intended to be carried on; and

[b] Request any person to provide such reasonable information as the official deems necessary.

[5] For purposes of these by-laws, an official appointed in terms of this section will regarded as the authorized official.

## **[9] APPEALS**

[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 Municipal Manager within 21 days of the date of the notification of the decision.

[2] The Municipal Manager 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 decision.

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

- [a] the authorized official, the Municipal Manager is the appeal authority;
- [b] the Municipal Manager, the Mayor is the appeal authority; or
- [c] A political structure or political officer bearer, or a Council of the Municipality is the appeal authority.

[4] The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.

## [10] OFFENCES

[1] Anyone commits an offence if he or she —

- [a] Hinders or interferes with an authorized official in the execution of his or her official duties in terms of the Act;
- [b] Falsely professes to be an authorized official;
- [c] Intentionally furnishes false or misleading information when complying with a request of an authorized official;
- [d] Fails to comply with a reasonable request of an authorized official;
- [e] Fails, refuses or neglects to comply with the trading hours referred to in Schedule 1

## [11] PENALTIES

[1] Anyone who commits an offence contemplated in section 6[1] to [5] and

10[a] to [d] of these by-laws is, upon conviction, liable to —

- [a] A fine or imprisonment for a period not exceeding six months; or
- [b] Such imprisonment without the option of a fine; or
- [c] Both such fine and such imprisonment.

[2] Anyone who is found to be continuously contravening or failing to comply with section 10[a] to [d] of these by-laws is guilty of an offence and liable to —

- [a] An additional fine; or
- [b] An additional period of imprisonment of 10 days; or



- [c] Such additional imprisonment without the option of a fine; or
  - [d] Both such additional fine and imprisonment for each day on which such offence is continued.
- [3] Anyone who commits an offence in terms of section 10[a] to [d] of these by-laws is liable for 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.
- [4] Anyone who commits an offence in terms section 10[e] of these by-laws is liable upon conviction, to —
- [a] A fine or imprisonment for a period not exceeding three years; or
  - [b] Imprisonment without the option of a fine; or
  - [c] A fine and imprisonment.
- [5] Anyone who is found to be continuously contravening or failing to comply with section 10[e] of this by-law is, in respect of each day on which that person contravenes or fails to comply, guilty of an offence, including the day of any conviction for an offence in terms of this subsection or any subsequent day and liable on conviction to —
- [a] A fine; or
  - [b] Imprisonment for a period not exceeding three months; or
  - [c] Both such fine and imprisonment.
- [3] Anyone who is convicted of a contravention of section 10[e] of this by-law within a period of five years after he or she was convicted of contravening this by-law is liable to —
- [a] Imprisonment for a period of six years; or
  - [b] Double the fine for contravening this by-law; or
  - [c] To both such fine and imprisonment.

#### **[14] REPEAL OF BY-LAWS**

- [1] Any by-laws adopted by the Municipality or of a municipality now forming an administrative unit of the Municipality and relating to crèches or nursery schools or any facilities in respect to or with regard to any matter regulated in these by-laws are hereby repealed.

- [2] Anything done under the provisions of the by-laws repealed by subsection [1] is deemed to have been done under the corresponding provision of these by-laws and such repeat will not affect the validity of any approval, authority, waiver or other act which at the commencement of these by-laws is valid under the by-laws so repealed.

## **[15] SHORT TITLE AND COMMENCEMENT**

These by-laws may be cited as the uMzimvubu Municipality Liquor Trading by-Laws and come into effect upon publication in the Provincial Gazette.

### **SCHEDULE 1**

#### **[1] TYPE OF REGISTRATION**

#### **[2] TRADING HOURS**

Section 20[a] - Registration in terms of the Liquor Act for the retail sale of liquor for consumption off the premises where the liquor is being sold. [Bottle store, retail shop, wholesaler, house shop] Monday to Saturday 08:30 to 20:00, Sunday 09:00 to 13:00

Section 20[b] - Registration in terms of the Liquor Act for the retail sale of liquor for consumption on the premises where liquor is sold. [Restaurant, night club, sports club, pool bar, hotel, pub] Sunday to Thursday 10:00 to 24:00 Friday-Saturday 10:00 to 02:00

Section 20[c] - Registration in terms of the Liquor Act for the retail sale of liquor on and off the premises on which the liquor is being sold. [Taverns, shebeens] Off-consumption Monday to Saturday 08:30 to 20:00 Sunday 09:00 to 13:00  
On-consumption Sunday to Saturday 10h00 to 24:00

Section 20[d] - Registration in terms of the Liquor Act for the retail sale of liquor and consumption at special events. [Beer festival, fete, fundraising event] Trading hours to be determined by resolution of the Council in respect of each application  
Section 20[e] - Registration in terms of the Liquor Act for licensed wholesale warehouse. Monday to Saturday 08:00 to 17:00 Sunday 09:00 to 13:00

Section 20[e] - Registration in terms of the Liquor Act for licensed micro-manufacturing  
Trading hours to be determined by resolution of the Council in respect of each application.

## **[16] AMENDMENT**

Section 20 [b] – Registration in terms of the liquor Act for the retail sale of liquor for consumption on the premises where liquor is sold, [Restaurant, night clubs, sports club, pool bar, hotel, pub] Monday to Saturday 09:00 to 22:00 and Sunday 09:00 to 18:00.

- Hours of trading for on consumption on premises to be strictly 09:00- 22:00 Monday to Saturday.
- No selling of liquor before 09:00 and beyond 22:00
- For Sundays, trading hours are 09:00 to 18h00 to all Liquor trading places including rural areas.
- When there are unlawful incidences or activities that persist in the Tavern, the community has a right to make an application to the municipality and request for the outlet to be closed down as guided by law if the majority of the community affected all agree.
- This policy was unanimously accepted by the Council Conference.

#### APPLICATION TO SELL LIQUOR OUTSIDE TRADING HOURS

##### A. APPLICANT

Name:

\_\_\_\_\_

Identity Number:

\_\_\_\_\_

Address:

\_\_\_\_\_

Telephone number

\_\_\_\_\_

##### B. PERSONAL PARTICULARS

Address [Street name and phone numbers] of the premises on which the liquor will be sold or supplied:

\_\_\_\_\_

Dates and hours on which liquor will be sold or supplied [Be specific, e.g. 14:00 to 23:00 on June, 2005]

\_\_\_\_\_

Reason why this application is made:

\_\_\_\_\_

Anticipated volume of liquor that will be consumed

#### APPLICATION TO SELL LIQUOR OUTSIDE TRADING HOURS

**C. APPLICANT**Name:  
\_\_\_\_\_Identity Number:  
\_\_\_\_\_Address:  
\_\_\_\_\_Telephone number  
\_\_\_\_\_**D. PERSONAL PARTICULARS**

Address [Street name and phone numbers] of the premises on which the liquor will be sold or supplied:  
\_\_\_\_\_

Dates and hours on which liquor will be sold or supplied [Be specific, e.g. 14:00 to 23:00 on June,2005]  
\_\_\_\_\_

Reason why this application is made:  
\_\_\_\_\_

Anticipated volume of liquor that will be consumed.

**9. PERMANENT/TEMPORARY WAIVER OR SUSPENSION OF THIS POLICY**

- 9.1 This policy may be partly or wholly waived or suspended by the Municipal Council on a temporary or permanent basis after consultation the Management.
- 9.2 Notwithstanding clause No. 14.1 the Municipal Manager may under circumstances of emergency temporarily waive or suspend this policy subject to reporting of such waiver or suspension to Council

**10. AMENDMENT AND/OR ABOLITION OF THIS POLICY**

- 10.1 This policy may be amended or repealed by the Council after consultation with Management

17.1. This policy may be partly amended or repealed by the Council after consultation and interaction with Management and Trade Unions.

**18. COMPLIANCE AND ENFORCEMENT**

18.1. Violation of or non-compliance with this policy shall give a just cause for disciplinary steps to be taken.

18.2. It shall be the responsibility of all Managers, Supervisors, Executive Committee and Council to Enforce compliance with this policy.

**APPROVAL OF THE POLICY**

The Municipal Council has approved this policy and amendments thereof.

**AUTHENTICATION**

The amendments of the policy and or the new policy was adopted by the Council on the 30-08-2019

As per Council Resolution number U.L.M.C 036/19

Signed off

**U.S. M. M. MUNICIPALITY**  
**MUNICIPAL MANAGER**  
 Mr. G. B. T. Nots  
 DATE: \_\_\_\_\_  
 Municipal Manager

**CLERK**  
 Cllr. N.F Ngonyolo  
 Speaker of the Council



# PARKING METER BY-LAW

UPHULISO KUMNTU WONKE



## **Umzimvubu Local Municipality**

### **PARKING METER BY-LAW**

#### **PREAMBLE**

WHEREAS section 156(2) and (5) of the Constitution provide that a Municipality may make and administer By-laws for the effective administration of the matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incident to, the effective performance of its functions

AND WHEREAS Part B of schedule 5 to the Constitution lists traffic and parking as Local Government to the extent set out in section 155(5)(a) and(7);

AND WHEREAS the LOCAL MUNICIPALITY seeks to regulate parking within its area of jurisdiction and matters incidental thereto;

AND NOW THEREFORE, BE IT ENACTED, by the Council as follows.



## 1. Definitions

For the purpose of this By-law, unless the context otherwise indicates –

**"Business hours"** means the hours of 08h00 to 17h00 on Mondays to Fridays, and 08h00 to 15h00 on Saturdays, or such other times as may be determined by the Council from time to time;

**"Car guard"** means a person who watches over and protects motor vehicles in return for payment;

**"Council"** means the Umzimvubu Local Municipality council, a municipal council referred to in section 157(1) of the Constitution;

**"Metered parking bay"** means any parking bay on a public road or public place in respect of which –

- (a) A parking meter has been installed or is used; and
- (b) The Municipality imposes parking fees.

**"Metered parking ground"** means a parking ground or any part thereof on a public road or public place in respect of which –

- (a) A parking meter has been installed or is used; and
- (b) The Municipality imposes parking fees.

**"Motor vehicle"** means a motor vehicle as defined in the Act;

**"Municipality"** means the Umzimvubu Local Municipality a municipality established under the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

**"Parking fee"** means the charge imposed by the Municipality from time to time for parking a motor vehicle on a metered parking bay or on a metered parking ground;

**"Parking meter"** means a static or hand-held device used for registering, recording and displaying –

- (a) The parking time available at the applicable metered parking bay or metered parking ground.
- (b) The parking fee payable for purchasing parking time at that metered parking bay or metered parking ground; and
- (c) The amount of parking time purchased in respect of a particular motor vehicle, Whether by means of a meter affixed to the device or a parking meter ticket issued by the device, or any other device by which parking time can be recorded;

**"Parking meter attendant"** means a person who is authorised to collect parking fees and to issue parking penalties on behalf of the Municipality, and who is in possession of a valid appointment card issued by or on behalf of the Municipality;

**“Parking penalty”** means a charge imposed by the Municipality from time to time, and payable to the Municipality, for parking a motor vehicle on a metered parking bay or on a metered parking ground in contravention of this By-law;

**“Parking time”** means the period of time purchased, against payment of the parking fee, for which a motor vehicle may be parked on a metered parking bay or metered parking ground;

**“Prescribed”** means determined by resolution of the Municipality, and in relation to a fee, means as set out in the tariff policy of the Municipality;

**“The Act”** means the National Road Traffic Act, 1996 (Act No. 93 of 1996); and

**“Traffic warden”** means a person who has been declared by the minister of Justice to be a peace officer in terms of section 334 of the Criminal Procedure Act, 1977 (Act No 51 of 1977) and has been appointed as a traffic warden by the Chief Executive Officer (Municipal Manager), the MEC or another competent authority to appoint a traffic warden, as the case may be.

**“Traffic officer”** means a traffic officer appointed in terms of section 3A of the National Road Traffic Act, and any member of the Service, and any member of municipal police service, both as defined in section 1 of South African Police Act, 1995 (Act No 68 of 1995) and for the purposes of Chapters V, IX and X and sections 74 and 78 of this Act, includes a peace officer.

**“Authorised officer”** means an employee of the Municipality or any other person who is appointed or authorised thereto by the Municipality to perform any act, function or duty related to the provisions of this By-law.

Any term which is defined in the Act, but which is not defined in these By-laws, shall have the meaning given to it in the Act.

## **2. Principles and objectives**

The Umzimvubu local municipality, acting under the Constitution and other relevant legislations, and being aware of its duty to control parking of motor vehicles, taxis and busses and control of operations of the parking attendants so as to provide a safe environment for all other road users within its area of jurisdiction, by adopting these by-laws with the aim of controlling parking within its area of jurisdiction.

## **3. Establishment of meter parking bays and meter parking grounds**

The Municipality may, from time to time –

- (a) Designate by road signs and establish meter parking bays and meter parking grounds;
- (b) Install and operate parking meters for meter parking bays and meter parking grounds;
- (c) Determine parking times applicable to meter parking bays and meter parking grounds;
- (d) Determine and levy parking fees and parking penalties; and
- (e) Collect and recover parking fees and parking penalties.

#### **4. Parking fees and parking times**

No person may, during business hours, park a motor vehicle on a meter parking bay or meter parking ground, or cause a motor vehicle to be so parked –

- (a) Without paying the applicable parking fee; or.
- (b) For a period of time which is longer than the parking time purchased in respect of that motor vehicle.

#### **5. Operation of parking meters**

Any person parking a motor vehicle or causing any motor vehicle to be parked on any meter parking bay or meter parking ground, during business hours, shall immediately –

- (a) Pay the applicable parking fee to the responsible parking meter attendant.
- (b) If required by the parking meter attendant, enter his or her motor vehicle's registration number and the bay number which the motor vehicle occupies into the parking meter.
- (c) If the parking meter provides for the issuing of a parking ticket, conspicuously display the parking ticket on the inside of the motor vehicle, above the dashboard at the bottom of the windscreen in such a manner that it is legible from outside the front windscreen of the motor vehicle, for as long as the motor vehicle is parked on the meter parking bay or meter parking ground.

#### **6. Exemptions**

Notwithstanding anything contained in these By-laws, the following persons are exempt from the payment of parking fees:-

- (a) The drivers of fire-fighting vehicles, emergency rescue vehicles or ambulances whilst these vehicles are on their respective duties at the time of parking, as the case may be
- (b) Traffic officers engaged in the performance of their duties;
- (c) The drivers of motor vehicles engaged in civil protection.
- (d) The drivers of motor vehicles engaged in essential services.
- (e) The drivers of motor vehicles which are the property of the Council or motor vehicles used by an official or councillor of the Municipality in his or her official capacity, provided that an official badge, designed and approved of by the Municipality, is displayed in a prominent place on the motor vehicle.
- (f) The drivers of motor vehicles being driven by or used to convey a person with a permanent physical disability or mobility impairment provided that an appropriate disability permit is displayed in a prominent place on the motor vehicle.

## 7. Prohibitions

(7.1) No person shall –

- (a) Cause or attempt to cause a parking meter to record the passage of time incorrectly;
- (b) Misuse, tamper with, damage or in any way interfere with a parking meter,
- (c) Deface, soil, obliterate or otherwise render less visible or interfere with any mark painted on the roadway, or any legend, sign, or notice affixed or erected for the purpose of these By-laws;
- (d) Forge, imitate, deface, mutilate, alter or make any mark upon any ticket issued in terms of these By-laws; or
- (e) Hinder or interfere with a parking meter attendant or traffic officer in the performance of his or her duty.

(7.2) No person shall park a motor vehicle, not being a motor vehicle as defined in these By-Laws, in a meter parking bay or meter parking ground.

(7.3) No driver or person in charge of a motor vehicle may park such vehicle or cause it to be parked-

- (a) In a meter parking bay or meter parking ground across any painted line marking the confines of the parking bay or in such a position that the said vehicle is not entirely within the area demarcated.
- (b) In a demarcated parking bay which is already occupied by another vehicle;
- (c) In contravention of a road traffic sign; or
- (d) In an area demarcated for commercial loading purposes.

(7.4) The person or driver in charge of a motor vehicle shall park such vehicle in a meter parking bay or meter parking ground -

- (a) If the meter parking bay or meter parking ground is parallel to the kerb or sidewalk of the public road, in such a manner that the vehicle is headed in the general direction of the movement of traffic on the side of the road on which the vehicle is parked and so that the left-hand wheels of the vehicle are substantially parallel to and within 450mm of the left-hand kerb: Provided that where, in a one-way street the meter parking bay or meter parking ground is situated on the right-hand side of the road, these provisions shall apply in respect of the right-hand wheels of the vehicle and the right-hand kerb, respectively; or
- (b) If the meter parking bay or meter parking ground is at an angle to the kerb or the sidewalk of a public road, in such manner that the vehicle is headed substantially in the general direction of the movement of traffic on the side of the road on which such vehicle is parked.

(7.5) Where by reason of the length of any motor vehicle, the vehicle cannot be parked wholly within a meter parking bay or meter parking ground, it shall be lawful to park the vehicle by encroaching upon a meter parking bay or meter parking ground adjoining the first mentioned parking place, and any person so parking shall be liable for payment of parking fees in respect of the parking bays encroached upon.

(7.6) A traffic warden or parking attendant may, whenever he or she deems it necessary or expedient to do so in the interest of the movement or control of traffic, place a road

traffic sign or signs indicating that there shall be no parking at any meter parking bay or meter parking ground, and it shall be unlawful for any person to park or cause or permit to be parked a vehicle in such meter parking bay or meter parking ground while such sign is so displayed.

## **8. Towing and clamping**

- (8.1) The Municipality may, in respect of a motor vehicle parked in contravention of these By-Laws, and without notice to the owner, driver or any person in control of that motor vehicle—
- (a) Remove or cause the motor vehicle to be removed to a place designated by the Municipality; or
  - (b) Attach or cause to be attached a wheel clamp to the motor vehicle.
- (8.2) The Municipality may charge a fee for the removal and impoundment of a motor vehicle, or for the clamping of a motor vehicle, as determined by the Municipality from time to time.
- (8.3) Any motor vehicle towed and impounded in terms of these By-laws, or whose wheel is clamped in terms of this By-law, may not be released until such time as the owner has paid the applicable parking fee, the parking penalty and the charge for towing and impounding the vehicle or clamping the motor vehicle, as the case may be.
- (8.4) Any person who claims a motor vehicle that has been impounded in terms of these By-laws must produce his or her valid identification document or driver's license, as well as proof acceptable to the Municipality that he or she is the owner of the motor vehicle concerned.
- (8.5) The Municipality is not liable for any damage caused to a motor vehicle which is towed and impounded or clamped in terms of these By-laws.

## **9. Presumptions**

- (9.1) The passage of time as recorded by a parking meter shall for the purposes of these By-laws, and in any proceedings arising out of the enforcement thereof, be deemed to be correct unless and until the contrary is proved.
- (9.2) Where any motor vehicle is found to have been parked in contravention of these By-laws, it shall be presumed to have been parked, or caused to have been parked, or allowed to have been parked, by the person in whose name the motor vehicle is registered unless and until the contrary is proved.

## **10. Car guards**

- (10.1) No person shall operate as a car guard in respect of a meter parking bay or meter parking ground unless that person is a member of an association of car guards approved by the Municipality. In approving an association of car guards, the Municipality may approve an association in respect of a designated area or areas.

(10.2) No car guard may interfere with or obstruct a parking meter attendant or traffic officer in the execution of their duties.

## **11. Parking penalties**

(11.1) Any parking penalty imposed by the Municipality in terms of these By-laws –  
(a) Is in the nature of a civil charge; and  
(b) Is payable to the Municipality, which may retain the penalty.

(11.2) A parking penalty may be issued by a parking meter attendant who is appointed as a peace officer or a traffic warden.

(11.3) If the Municipality imposes a parking penalty, then the Municipality shall be precluded from bringing any criminal charge or penalty against that person in respect of the contravention of these By-laws in respect of which the parking penalty is issued.

## **12. Service providers**

(12.1) The Municipality shall be entitled to appoint a service provider to undertake any function or obligation, or exercise any power in terms of these By-laws on behalf of the Municipality. Without limiting the generality of this provision, the Municipality may appoint a service provider to supply parking meter attendants, to operate parking meters, to issue parking penalties and to recover parking fees, parking penalties and any other amount due to the Municipality in terms of these By-laws.

## **13. Payment**

(13.1) Any parking fee, parking penalty and any other amount due to the Municipality in terms of these By-laws may be paid by any means made available by the Municipality, including but not limited to payment by electronic fund transfer or any other means including a cash deposit into a nominated bank account.

(13.2) Payment of prescribed fee, a person making use of parking ground or parking bay must, where fees have been determined in respect of the parking ground or parking bay, pay the prescribed fee in any way or format prescribed by the Municipality.

(13.3) The Municipality may in respect of parking controlled by the issue of permits, issue at the prescribed fee a permit which entitles the holder for one calendar month or any lesser period stated in the permit to park a vehicle in the allocated bays, if a parking bay is available, at the times stated in the permit.

## **14. The Municipality not liable for loss or damage**

The Municipality is not liable for the loss of or damage howsoever caused, to any vehicle or person or any accessories or contents of a vehicle which has been parked in a parking ground.



**15. OFFENCES**

Any person who contravenes or cause or permits a contravention of any provision of these By-laws, shall be guilty of an offence and liable on conviction to a fine not exceeding R5 000 or, in default of payment, imprisonment for a period not exceeding six months.

**16. REPEAL OF BY-LAWS**

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

**17. EFFECTIVE DATE**

These By-Laws shall come into force and effect upon their approval and publication by the Eastern Cape Provincial Official Gazette as per section 162(1) of the Constitution of the Republic of South Africa.

**18. PERMANENT/TEMPORARY WAIVER OR SUSPENSION OF THIS POLICY**

- 18.1 This policy may be partly or wholly waived or suspended by the Municipal Council on a temporary or permanent basis after consultation with Management and Trade Unions.
- 18.2 Notwithstanding clause No. 10.1 the Municipal Manager may under circumstances of emergency temporarily waive or suspend this policy subject to reporting of such waiver or suspension to Council and Trade Unions.

**19. AMENDMENT AND/OR ABOLITION OF THIS POLICY**

- 19.1 This policy may be amended or repealed by the Council after consultation with Management and Trade Unions.

**20. COMPLIANCE AND ENFORCEMENT**

- 20.1 Violation of or non-compliance with this policy will give a just cause for disciplinary steps to be taken.
- 20.2 It will be the responsibility of all Managers, Supervisors, Executive Committee and Council to enforce compliance with this policy.

**APPROVAL OF THE POLICY**

The Municipal Council has approved this policy and amendments thereof.



17.1. This policy may be partly amended or repealed by the Council after consultation and interaction with Management and Trade Unions.

**18. COMPLIANCE AND ENFORCEMENT**

18.1. Violation of or non-compliance with this policy shall give a just cause for disciplinary steps to be taken.

18.2. It shall be the responsibility of all Managers, Supervisors, Executive Committee and Council to Enforce compliance with this policy.

**APPROVAL OF THE POLICY**

The Municipal Council has approved this policy and amendments thereof.

**AUTHENTICATION**

The amendments of the policy and or the new policy was adopted by the Council on the 30-08-2019.

As per Council Resolution number UUMC 036/19.....

Signed off

**UUMC MUNICIPALITY**  
**MUNICIPAL MANAGER**  
 Mr. G. P. T. Ntsho  
 DATE: .....  
 Municipal Manager

*FE.*

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Cllr. N.F Ngonyolo  
 Speaker of the Council



# PUBLIC ROAD AND MISCELLANEOUS BY LAW

UPHULISO KUMNTU WONKE



**UMZIMVUBU LOCAL MUNICIPALITY****PUBLIC ROAD AND MISCELLANEOUS BY LAWS.**

The Municipal Manager of Umzimvubu Local Municipality hereby, in terms of Section 13(a) of the Local Systems Act, 2000 (Act No 32 of 2000) and Section 162 of the Constitution of the Republic of South Africa (Act 108 of 1996) publishes the Public Road and Miscellaneous By-laws for the Umzimvubu Local Municipality as approved by the Council and as concurred by the Premier: Eastern Cape Province in terms of section 80A of the National Road Traffic Act, 1996 (Act 93 of 1996), as set out hereunder.

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## CHAPTER I

### DEFINITIONS & INTERPRETATION

#### 1. Definitions and interpretation

In these By-laws, any word or expression that has been defined in the Nation Road Traffic Act, 1996 ( Act 93 of 1996) including any regulations made thereunder or the Eastern Cape Provincial Road Traffic Act, 2003 ( Act 03 of 2003) including any regulations made thereunder, has that meaning and, unless the context otherwise indicates-

**“Authorized official”** means-

- (a) A member of Umzimvubu Local Municipality appointed as a traffic officer in terms of section 3A of National Road Traffic Act, 1996 (Act No 93 of 1996), or
- (b) Any person or official authorized in writing as such by the Council.

**“Cash card”** is a contactless smart card that is used to make cashless electronic payment for parking at the payment bay.

**“Council”** means

- (a) The Council of Umzimvubu Local Municipality or any committee thereof to which any function of the Council under these by-laws has been lawfully delegated and is exercising its legislative and executive authority through its municipal council; or
- (b) Its successor in title; or
- (c) A structure or person exercising a delegated power or carrying out an instruction, where any power in these by laws has been delegated or sub delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000); or
- d) A service provider fulfilling a responsibility under these bylaws, assigned to it in terms of section 81 (2) of the Local Government: Municipal System Act, 2000 (Act No 32 of 2000) or any other law, as the case may be.

**“Dangerous goods”** shall have the same meaning as defined under the Transportation of Dangerous Goods Act, RSC, 1985, c T-19, or any other Act enacted in its stead.

**“Emergency Vehicle”** means any vehicle of the Fire Department, traffic police, any licensed ambulance, any military vehicle or any vehicle designated as an emergency vehicle by a competent authority, government department or the Municipality.

**“Heavy Vehicle”** means: a vehicle with a gross weight registration exceeding (10000) kg or, a vehicle, including any combination of motor vehicle trailer, machinery, equipment and load with a total weight exceeding ten thousand (10,000) kg.

**“Lane rental”** means the rental which is paid to the road authority by a service agency whose work in the road reserve results in time delay costs (TDC) being incurred by the users of the road reserve.

**“Municipal store”** means the municipal store of the Council.

**“Parking bay”** means a space designated by the Council and marked on a public road or on a parking area controlled by the Council, for the purpose of parking of a vehicle.

**“Parking coupon”** means a slip of paper that is issued by means of a parking coupon device on which the parking period, the amount paid, the registration number of the vehicle concerned and the parking bay in which the vehicle is parked, is recorded;

**“Parking coupon device”** means a portable hand held device which when operated issues a parking coupon and registers the particulars reflected on such coupon in that device;

**“Parking marshal”** means a person appointed by the Council to render a parking service in terms of this section to a person parking a vehicle in a parking bay;

**“Parking period”** means the maximum continuous period during which the vehicle is permitted to park in a parking bay as specified on a relevant parking coupon or by means of activating a parking coupon device;

**“Prescribed”** means determined by resolution of the Council from time to time;

**“Prescribed fee”** means a fee determined by the Council by resolution in terms of section 10G (7) (a) (ii) of the Local Government Transition Act, 1993 (Act No 209 of 1993), or any other applicable legislation;

**“Public road”** means a square, road, sidewalk, island in a road, subway, avenue, bridge, public passageway and any thoroughfare shown on the general plan of township or in respect of which the public has acquired a prescriptive or other right of way and which is vested in the Council in terms of section 1 of NRTA 93 of 1996n or any other law.

**“Token”** in respect of a trolley, means a sign on which the name or trade name and the address of the owner appear;

**“Trolley”** means a push trolley, push cart or any table, stand or basket on wheels;

**“Watercourse”** means a watercourse as defined in section 1 of the National Water Act, 1998 (Act No 36 of 1998);

**“Road reserve”** means the full width of a public road, and includes the verge and the roadway.

**“Storekeeper”** means the person in the service of the Council who holds the position of storekeeper or a person acting in that capacity.

**“Street entertainer”** means a person who mimes, plays a musical instruments for entertainment or engages in other performing or visual arts.

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 an employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorized by it.

The provisions of the Code of Practice for work in the road reserve set out in Schedule 2 to these by laws, form part and parcel of these Bylaws for all purposes.

## **CHAPTER 2**

### **PUBLIC ROADS AND MISCELLANEOUS**

#### **1. Ropes, wires or poles across public road,**

- 1.1 No person may place any rope, wire or pole on, under or across any public road, or hang, or place anything whatsoever thereon, without the prior written permission of the Council.

#### **2. Damage to trees,**

- 2.1 No person may climb upon, or break or damage or in any way mark or paint on any tree on any public road within the municipal area of the Council, and no person may, without the prior written permission of the Council, lop, top, trim, cut down or remove any such tree unless the person is authorized to do so in terms of these by-laws or other law.

#### **3. Barbed wire, dangerous and electric fencing,**

3.1 No owner or occupier of land-

- (a) other than an owner or occupier of an agricultural holding or farm land, may along any public road erect or cause, or permit to be erected, any barbed wire fence or any railing, paling, wall or other barrier which, by reason of spikes or other sharp or pointed protrusions or otherwise by reason of nature of its construction or design, is or may become a danger to any member of the public using such public road;
- (b) an owner or occupier of an agricultural holding or farm land, may along any public road erect or cause, or permit to be erected, or after one year from the date of commencement of these by-laws, have along a public road any electric fence, railing or other electrified barrier unless-
- (i) the fence, railing or other barrier is erected on top of a wall built of brick, cement, concrete or similar material, which wall may not be less than 1,8 m high; and
- (ii) the fence, railing or other barrier is designed and installed in accordance with any relevant specifications determined by the Council and any standard issued in terms of the Standards Act, 1993 (Act No 29 of 1993,)
- (c) may erect, or cause, or permit to be erected, any electric fence, railing, wall or other electrified barrier referred to in paragraph (b) without the prior written permission of the Council, in terms of the National Building Regulations and Building Standards Act, 1977 (Act No 103 of 1977).
- (d) the full technical details of the proposed electrified fence, railing, wall or other electrified barrier must accompany any application for permission submitted to the Council.



**4. Protection of public roads,**

- 4.1 No person may place upon or off-load on a public road any material or goods that are likely to cause damage to a public road unless the person has taken reasonable precautions to protect the surface of the public road against damage.

**5. Cleanliness of public roads,**

- 5.1 No person may spill, drop or place or permit to be spilled, dropped or placed, on a public road any matter or substance that may interfere with the cleanliness of the public road, or cause or is likely to cause nuisance, danger or accident to any person, animal, vehicle or other traffic using the public road, without removing it or causing it to be removed from the public road immediately.
- 5.2 If the person referred to in subsection (5.1), fails to remove the matter or substance, the Council may remove such matter or substance and cover the costs of removal from the person concerned.

**6. Articles placed in buildings facing public road,**

- 6.1 No person may place any article likely to cause injury or damage to any person or property if it were to fall on a public road, or near any public road without taking all reasonable steps to prevent it from falling onto the public road.

**7. Display of household Clothes and Fabric, etc.**

- 7.1 No person shall within the municipal area of the Council, display in any manner to the view of the public, except as an article for sale in a shop window or on a sidewalk, any article of clothing or any household, domestic or other linen or any other fabric (except when used as curtains from any window or on or from any wall or balcony or veranda or facial of the building on any street or public place.

**8. Damage of Council property,**

- 8.1 Subject to the provisions of section 10, no person may deface or tamper, damage, remove, or in any way interfere with any of the Council property or work on or along any public road. Notwithstanding, the above mentioned provisions;
- (i) No person shall use a vehicle on a street if the vehicle could cause damage to the surface of the street.
- (ii) No person shall use any equipment, device or any instrument or such like if it will or is likely to cause damage to the surface of such street or roadway provided that, the use of such equipment, device or instrument cannot be avoided then the responsible person or owner of such equipment, device or instrument shall ensure that any damage to the surface of such street or roadway is reinstated to its previous state.
- (iii) No person shall drive, propel or move any vehicle, tractor or similar machine having contact with the road surface by motorized tracks, including a crawling crane upon, along or across any paved street without a permit.

**9. Cleaning and repairing on public road,**

- 9.1 No person may clean or repair any part of a vehicle or wash, dry or paint any article or object on any public road except in the case of an emergency breakdown of a vehicle, when emergency repairs may be done.
- 9.2 No person shall wash any vehicle on any public open space or on or near any municipal owned property.
- 9.3 No person shall leave any vehicle for more than three (3) hours on any street or parking stall when that vehicle has been placed on a jack or blocks.
- 9.4 For the purposes of this By-Law an Emergency Repair means to ensure that in the event of an incident to a vehicle beyond the control of the driver, basic measures are undertaken to either remove the vehicle or make vehicle safe for removal to the nearest place of repair within a period of three (3) hours.

**10. Excavation in the public road,**

- 10.1 No person may make or cause to be made any hole, trench, pit or tunnel on or under any public road or remove any soil, metal, or macadam therefrom without the prior written permission of the Council, unless such person is authorized to do so in terms of these By-Laws or any other law.
- 10.2 A person who requires permission in terms of subsection (10.1) must comply with the requirements contained in schedule (2) to these By-Laws.
- 10.3 A person referred to in subsection (10.1) must pay the prescribed fee.
- 10.4 A person referred to in subsection (10.1) must, if applicable, pay the prescribed fee for lane rental provided for in Schedule to these by-laws.

**11. Defacing, marking or painting public roads,**

- 11.1 No person in any way deface, mark or paint any public road or part of a public road or any structure related to such public road, without the prior written permission of the Council.

**12. Races and sport events,**

- 12.1 An application for consent to hold a race or sports event on any public road in terms of regulation 317 (2) of the National Road Traffic Regulations, 2000, under the National Road Traffic Act, 1996 (Act No 93 of 1996) must be submitted in writing to the Council on the prescribed form at least 60 days prior to the envisaged event.
- 12.2 The applicant must pay the prescribed deposit for the costs to be incurred by the Council during and after the race or sports event, to the Council prior to commencement of the race or sports event and an adjustment must be made after the conclusion of the race or sports event as soon as the Council has determined actual costs incurred by it.

**13. Loitering on public roads,****13.1 No person may –**

- (a) lie, sit, stand, congregate, loiter or walk, or otherwise act, on any public road in a manner that may obstruct traffic;
- b) Jostle or loiter at or within 20 meters of the entrance of any place of public worship during the time of divine service or during an assembly at the place of worship or departure from such place of the congregation so as to obstruct or annoy any person going to, attending at, or leaving such place of worship.

13.2 Any person contravening subsection (13.1) must, upon instruction by an authorized official, discontinue doing so.

**14. Loitering and touting at places of public entertainment,**

14.1 No person may loiter or, except when forming part of a queue, congregate on any public road within 20 meters of the entrance to any place of public entertainment so as to obstruct pedestrians or vehicular traffic proceeding to, attending at, or departing from such place of entertainment.

14.2 No person must, without the prior written permission tout or solicit a driver of any motor vehicle who parks a motor vehicle at a place of entertainment for the purpose of or under pretext of looking after or watching over the motor vehicle during the assembly or the departure therefrom.

14.3 Every permit granted in terms of subsection (2) hereof shall, unless cancelled or suspended in terms of the provisions of these by-laws, be valid until 31<sup>st</sup> December of the year of issue.

14.4 No person authorized in terms of these by-laws to act as a motor vehicle attendant shall demand any payment for his services in connection with any one motor vehicle.

14.5 Every motor vehicle attendant shall, upon demand by any authorized official or a member of the public who engages or proposes to engage his services, produce the permit issued to him in terms of these By-Laws.

14.6 A permit granted in terms of these by-laws hereof may be revoked or suspended by the Manager: Traffic & Licensing if the holder thereof-

- (a) commits a breach of these by-laws or of any condition subject to which the permit was granted;
- (b) leaves unattended any motor vehicle left in his care;
- (c) while performing his duties as a motor vehicle attendant is or becomes intoxicated;
- (d) directs the driver of any motor vehicle into an area in which the parking or stopping of vehicles is prohibited;
- (e) fails to observe or carry out the lawful instructions of any authorized official or member of the South African Police Service (SAPS).

- 14.7 An applicant who wishes to be registered as a Motor Vehicle Parking attendant shall first comply and submit the following documentation together with a written application, and
- (a) Certified copy of Identity Book
  - (b) Fingerprints Clearance Certificate
  - (c) Proof of Address

14.8 No person under the age of 18 shall act as a motor vehicle attendant.

**15. Public decency,**

- 15.1 No person may appear unclothed or indecently clothed on any public road.
- 15.2 No person may on or in view of any public road urinate, excrete, behave in any indecent manner by exposing his or her person or otherwise, make use of any indecent gesture, or commit, solicit or provoke any person to commit any riotous, disorderly or indecent act.
- 15.3 No person may on any public road sing any obscene or profane song or use any profane, foul, indecent or obscene language.
- 15.4 No person may on any public road in any way loiter or solicit or inconvenience or harass any other person for the purpose of begging.

15.5 No person may on any public road use any threatening, abusive or insulting words or gestures or behavior with intent to cause a breach of the peace or whereby a breach of the peace is likely to be occasioned.

**16. Trolleys,**

- 16.1 The owner of a trolley must affix a prescribed token in a conspicuous position on the trolley.
- 16.2 The owner or the person who controls or has the supervision over a trolley or who offers it to be used by any person, or who uses it for any purpose whatsoever, may not leave or abandon it or permit it to be left or abandoned on any public road.
- 16.3 Any trolley which has been left or abandoned on a public road, may be removed, or caused to be removed, by an authorized official and be placed under the care of the storekeeper.
- 16.4 The storekeeper must store any trolley which has been placed under his or her care in terms of subsection(16.3) at the municipal store and the Council must publish once a month in respect of eleven months of a year calculated from the first day of January, a notice in two newspapers circulating within the municipal area which states-
- (a) the name of the owner of every trolley being stored, if known
  - (b) the number of trolleys that are stored;
  - (c) that the trolley may be claimed by the owner from the Council on payment of the prescribed storage fee;
  - (d) that any trolley which has not been claimed after a period of three months from the date of publication of the said notice, may be sold by the Council by public auction; and
  - (e) that the proceeds of the public auction will accrue to the Council.

**17. Public Road Collection,**

- 17.1 No collection on the public road may be organized or held without prior written permission of the Council.
- 17.2 Application for such permission must be made on a form provided for this purpose by the Council.
- 17.3 Every application must be accompanied by a proof that the organization or a person intending to hold the public road collection is authorized to collect a contribution in terms of the Nonprofit Organization Act, 1997 (Act No 71 of 1997), or the Fundraising Act, 1978 (Act No 107 of 1978), as the case may be.
- 17.4 The Council may grant permission referred to in subsection (17.1) to an organization or a person to hold a collection on a specified public road, date and at a specified time and reserves the right to determine the number of collections which may be held on any one day on the public road so specified.
- 17.5 Every organization or a person, holding public road collection is entitled to use his, her or its own identifiable collection boxes and if any organization or a person does not have the abovementioned boxes, the Council's collection boxes may be used upon payment of the prescribed fee.

**18. Control of Storm water and watercourses on public roads,**

- 18.1 No person may without prior written permission of the Council, which permission may be conditional or unconditional-
- (a) lead or discharge any water on or over or across a public road; or
  - (b) by any means whatsoever, raise the level of water in any river, dam or watercourse so as to cause interference with or damage any public road.
- 18.2 The Council may, subject to any laws which may be applicable and after obtaining consent of the owner and the occupier, if any, of the land concerned-
- (a) deviate any watercourse, stream or river if the deviation is necessary for the protection of the public road or structure related to a public road or for the construction of a structure connected with or belonging to a public road,
  - (b) divert storm water from or under any public road on to private property other than land occupied by buildings, other structures or improvements; and
  - (c) pay reasonable compensation as agreed between the owner or occupier and the Council, for any damage caused as a result of any action taken in terms of paragraph (a) or (b) above or failing such agreement, compensation determined by arbitration in terms of the Arbitration Act, 1965 (Act No 42 of 1965).
  - (d) When there is water, mud or slush lying on the street, the driver or operator of a vehicle shall drive on the street in a manner so as not to splash any pedestrian who is using the sidewalk or pedestrian crosswalk.

**19. Obstruction on public roads,**

- 19.1 No person may deposit or cause to be deposited or leave or cause to be left any sand, stone, earth, bricks, timber, lime, cement or other building or excavated material of whatever nature on any portion of any public road, sidewalk or footway unless it is deposited within an enclosure in respect of which the prior written permission of the Council has been obtained.

**20. Planting on sidewalks,**

20.1 No person may plant or cause to be planted, any tree, shrub or other plant on any public road or any sidewalk, footway or road reserve forming part thereof, which obstructs or interferes with pedestrian traffic on such sidewalk, footway or road reserve or allow any such tree, shrub or plant to remain on that sidewalk, footway or road reserve.

**21. Permission to hoard in footway,**

21.1. Any person who intends erecting, removing, altering, repairing or painting any part of a building or structure or carrying out any excavation, on part of any land which is within 2 metres of a public road, must before commencing any such work, enclose or cause to be enclosed a space in front of such part of the building, structure or land by means of a hoarding, fence or other enclosure or an enclosure specified in a permit issued in terms of subsection (21).

21.2 If the enclosure contemplated in subsection (21.1), occupies or projects over any portion of a public road, the person concerned must apply for a written permission to the Council and if the person making the application is not the owner of the building or land on which the work is to be done, the owner must countersign the application.

21.3 The Council may determine what portion of the public road is necessary for the purpose of carrying out any operations contemplated in subsection (1), and in every case where it determines that portion of a public road may be used for such purposes, grant a permit in writing specifying the portion which may be occupied for such purpose and the conditions under which such permit is granted.

21.4 The Council reserves the right to withhold the issue of a permit required in terms of subsection (2), until all prescribed fees have been paid and the acceptance of any such permit by the applicant without objection, is taken to indicate that all kerbs, gutters and other works in the portion of the public road concerned were in good order and condition on the date of issue of such permit.

21.5 Every permit granted by the Council for the erection of a hoarding, fence, scaffolding or an enclosure or a planked shed, must specify the area and precise position of that part of the public road where the enclosure, overhanging or covering is permitted and the period for which the permit is granted.



### **CHAPTER III**

#### **TRAFFIC MATTERS**

#### **1. Control of traffic,**

- 1.1 An authorized official may direct any form of traffic by means of any visible or audible signal and every person must obey such signal.

#### **2. Diversion of Traffic for Parade,**

- a. The Chief Law Enforcement Officer, in conjunction with the Umzimvubu Traffic Police, is hereby empowered to barricade whichever street they deem necessary for the passage of any parade and to divert traffic to other streets.
- b. During any parade, all pedestrians not taking part therein shall be restricted to the use of the sidewalk and shall not cross through or in any way obstruct or interfere with the parade.
- c. Except with permission in writing by the Council or a person authorized therefore, all parades must proceed on the left side of the street and shall not interfere with traffic proceeding from the opposite direction.
- d. No person shall leave any vehicle on any street that has been cleared or is about to be cleared or a parade.

#### **3. Clinging to moving vehicles,**

- 3.1 No person travelling upon any pedal cycle, motor cycle, coaster, roller-skates, or any other similar device to any other moving vehicle, upon a public road.
- 3.2 No person shall race, run, crowd, ride a human powered device or jostle other pedestrians on a street or sidewalk so as to create discomfort or confusion for other pedestrians.

#### **4. Towing of Vehicles,**

- 4.1 No person shall tow a vehicle on a street in an unsafe manner or with an unsafe tow rope, tow chain or other connecting device or in such a manner that is deemed to be unsafe in the opinion of any traffic officer/ law enforcement officer.
- 4.2 No person shall tow a vehicle in a manner that contravenes the National Road Traffic Act, 93 of 1996.

#### **5. Removal of obstructions,**

- 5.1 If any person causes an obstruction on a public road, an authorized official, may order such person to refrain from causing, or to remove the obstruction.
- 5.2 If a person causing an obstruction cannot be found, or fails or neglects to remove, or to cease causing such obstruction, an authorized official may take such steps as may be necessary to remove the obstruction, or to prevent its continuance and the Council may if the person fails or neglects to remove or cease causing the obstruction, recover the costs of the removal of the obstruction from that person.



**6. Games, throwing stones, on public roads,**

- 6.1 No person may roll a hoop or fly a kite or throw stones or use a bow and arrow, or by any means discharge any missile upon, over or across any public road, or play cricket, football or any other game on a public road.
- 6.2 No person may erect a tent or place chairs or any article on a public road for the purpose of a funeral, party or any other event without the prior written permission of the Council.
- 6.3 Notwithstanding the above mentioned provisions in these By-Laws, the Chief Law Enforcement Officer shall have the authority to temporarily close to vehicular traffic or restrict traffic, parking or stopping on any street for the purpose of:
- (i) enabling work to be carried out by or on behalf of the Town, including road maintenance, street cleaning, snow removal or sewer or water line construction, repair or improvements;
  - (ii) facilitating the moving of any building, structure, machine or other object for which a permit has been issued under these by laws.
  - (iii) Facilitating the construction, repair or demolition of a building, structure or other object for which a permit has been issued under these by-laws and
  - (iv) Facilitating public gatherings.

**7. Shoeing and cleaning of animals on public roads,**

- 6.1 No person may shoe any animal, or clean, dress, train or break-in livestock on any public road.

**8. Animals on public roads**

- 7.1 No person may turn any livestock loose on a public road.
- 7.2 No person may leave any injured, feeble, emaciated, diseased or dying animal on a public road except for the purpose of seeking assistance for the removal of such animal.
- 7.3 Any livestock at large on a public road may be taken to a place designated by the Council, by any authorized official.
- 7.4 Any person contravening subsection (7.1) is liable, in addition to any penalty which may be imposed by a Court of Law, to pay to the Council the costs incurred by it in acting in terms of subsection 7.3.
- 7.5 No person may walk a dog on a public road unless it is on a leash and under control of that person.
- 7.6 Any excretion left by a dog on a public road, must be removed immediately by the person in charge of the dog and deposit the excretion in a waste receptacle provided by the Council or removed from the road.

## 9. Parking meters

- 9.1 No person shall park a vehicle or cause a vehicle to be parked in a parking bay unless a coin or other prescribed token is inserted forthwith-
- (a) Into the meter allocated to such bay; or
  - (b) if the meter controls more than one parking bay, into the meter controlling such parking bays as indicated by markings or signs on the roadway or sidewalk, and thereafter such meter is put into operation in accordance with the instructions appearing thereon so that the meter registers and visibly indicates the parking period appropriate to the coin or other prescribed token inserted.
  - (c) Provided that:-
    - (i) such coin or prescribed object need only be inserted during such hours indicated on the meter as prescribed;
    - (ii) a vehicle may be parked in a parking bay without the insertion of a coin or other prescribed object in the parking meter allocated to such bay for such part only of any parking period as such meter may indicate to be expired.
    - (iii) where such meter is out of operation or not operating properly, the driver of a vehicle may leave his or her vehicle in the parking bay appropriate to such meter for so long as the parking meter continues to be out of order but not for longer than the parking period determined for that bay and the vehicle may not be returned on such bay within 15 minutes of removing it therefrom.
- 9.2 No person may with or without the insertion of an additional coin or other prescribed token into a parking meter, leave a vehicle in a parking bay after the expiry of the parking period as indicated by the parking meter allocated to such bay or return his or her vehicle to that bay within 15 minutes after that expiry or prevent the use of that bay by any other vehicle.
- 9.3 The insertion of a coin or other prescribed object into a parking meter and the putting into operation of such meter where necessary in accordance with the instructions appearing on such meter entitles the person inserting it to park a vehicle in the parking bay for the period corresponding with the payment so made, provided that, notwithstanding the making of a payment as aforesaid, nothing in this section contained shall entitle any person to contravene a notice or a road traffic sign displayed by the Council in terms of these by laws.
- 9.4 The period during which a vehicle may be parked in any parking bay and the coin or other prescribed object to be inserted in respect of that period into the parking meter allocated to such bay shall be as prescribed and the said period and the coin or other prescribed object to be inserted in respect thereof must at all times be clearly indicated on the parking meter itself.
- 9.5 No person may –
- (a) Insert or attempt to insert into a parking meter a coin or object except;
    - (i) A coin of South African currency of a denomination as prescribed;
    - (ii) An object which is prescribed as another method of payment;
  - (b) Damage or deface, or write or draw on, or affix any handbill, poster, placard or other document, whether or not of an advertising nature, to a parking meter, unless the Council determines otherwise;
  - (c) In any way whatsoever cause or attempt to cause a parking meter to record the passage of time otherwise than by the insertion of a coin or other prescribed object;

- (d) Jerk, knock, shake or interfere with a parking meter which is not working properly or at all in order to make it do so or for any other purpose;
  - (e) Deface, soil, obliterate or otherwise render less visible or interfere with any mark painted on the roadway, or any sign or notice erected for the purpose of this section;
  - (f) Remove or attempt to remove a parking meter or any part thereof from the post of other fixture to which it is attached.
- 9.6 Every vehicle must be so placed in a parking bay, other than one which is at an angle to the kerb line, that its near side wheels are not more than 450mm from the kerb line and that it is laterally within that bay and that the driver's seat, or in the case of a motor vehicle with left hand driver, the front passenger's seat is opposite and close to the mark known as the driver's mark, painted on the surface of the road or in the case of a one way street in which parking on the right hand side thereof is permitted on the roadway.
- 9.7 No person may place or cause or permit to be placed or to stand any vehicle not specially designed or constructed for the carriage of goods in any loading bay in any portion of a public road in which parking meters have been erected, otherwise than for the shortest possible time necessary for the loading or unloading of passengers.
- 9.8 Where a vehicle parked in a parking bay occupies by reason of its length so much of an adjoining bay that another vehicle cannot be parked in such bay in the manner referred to in subsection (6), the person parking the first mentioned vehicle must immediately after parking it insert an appropriate coin or other prescribed object into the parking meters of both the said bays.
- 9.9 No person may park a two- wheeled vehicle without a side-car in any parking bay unless such bay is designed for the use of such vehicle by means of a road traffic sign or notice.
- 10. Parking for heavy motor vehicles,**
- 10.1 A driver or operator of a heavy vehicle shall not park the vehicle on any street except where designated as "truck parking only" and as designated by the appropriate signs. The Chief Law Enforcement Officer shall keep a register of such area.
- 10.2 The Chief Law Enforcement Officer shall ensure that appropriate and sufficient signage is displayed at all entrances to Town and where necessary indicating where such "truck parking only" areas are located, if any or alternatively, appropriate signage indicating that there are "No truck parking "areas.
- 10.3 Such signage shall be positioned in a place that will send a clear message to the driver not to enter such areas or the Town itself, on the outskirts of Town limits.
- 10.4 An authorized official may have any heavy vehicle who fails to comply with these provisions, removed by an appropriate breakdown vehicle to any pound or designated yard for safe- keeping.

10.5 Any vehicle removed and impounded shall remain in the custody of such authority until such time as all fees and necessary costs incurred are settled and paid for before being released.

10.6 No heavy motor vehicle may be stopped or parked in any residential areas between the hours of 19h00 and 06h00 the following day unless such a vehicle was engaged in the removal or delivery of goods for which the driver can produce documented proof thereof.

## **11. Parking for vehicles transporting dangerous goods,**

11.1 No person shall park a vehicle transporting or designed to transport dangerous goods in bulk within one hundred and fifty (150) metres of any residence, educational institution or place of public assembly.

11.2 Notwithstanding subsection (11.1), a vehicle carrying or transporting dangerous goods may be parked within one hundred and fifty (150) metres of any residence, educational institution or place of assembly for such period of time only as is necessary to unload the contents provided that:

(a) it is not possible for the contents to be unloaded from any other area; and

(b) the vehicle and unloading procedure are under constant supervision during the entire period of time that the vehicle is parked.

## **12. Parking coupon devices**

12.1 (a) The Council as defined in paragraphs (a), (b) or (c) of the definition of Council in section 1(1), may designate an area where on-street parking takes place or an area where off-street parking takes place under the control of the Council, where parking is to be regulated by parking coupon devices.

(b) If in an area or part of an area designated in terms of paragraph (a), parking meters are present, the provisions of this section apply to the exclusion of section 28.

12.2 (a) In any area contemplated in subsection (12.1)(a), the Council must provide and maintain notice boards so positioned that no parking bay in that area is further than 20 meters from any such board and the content thereof is legible from any such bay.

(b) A notice board contemplated in paragraph (a), must specify-

- (i) That parking in the area concerned is regulated by means of coupon devices;
- (ii) The hours during which parking is permitted, and prohibited if relevant, and the hours during which a prescribed fee is payable for parking in that area; and
- (iii) The prescribed fee payable for parking in a parking bay in that area.

(c) A notice displayed in terms of paragraph (a) serves as a sufficient notice to the public of the content thereof.

12.3 No person may park a vehicle in a parking bay contemplated in this section, unless-

- (a) he or she has paid to the parking marshal in attendance the prescribed fee for the parking period selected by him or her, after parking the vehicle, in cash or by means of a cash card;

- (b) that parking meter marshal has caused a parking coupon for the parking period concerned to be issued and has handed it to the person concerned, and
- (c) The parking coupon issued in terms of paragraph (b) has been placed on the dashboard of the vehicle concerned in such a way that the time of the parking period is clearly visible from outside the vehicle.

12.4 (a) The prescribed fee contemplated in subsection (12.3) (a), must only be paid for the hours specified on a notice board contemplated in subsection (21.2).

(b) A vehicle may remain parked in a parking bay only for the duration of the parking period selected in terms of subsection (12.3) (a).

12.5 if a parking coupon device to be operated by a parking meter marshal in attendance at a parking bay is out of order, the vehicle may without payment be parked in that parking bay and such marshal must issue a certificate confirming that the device is out of order to the person concerned and he or she must place that certificate on the dashboard of the vehicle concerned in such a way that it is clearly visible from outside the vehicle.

12.6 No person shall leave a vehicle in a parking bay after the expiry of the parking period as indicated on the parking coupon concerned or return it to that bay within 15 minutes after removing it therefrom or prevent the use of that space by any other vehicle.

12.7 No person may-

- (a) Deface, soil, obliterate or otherwise render less visible or interfere with any mark painted on the parking area, contemplated in the definition of "parking bay"
- (b) Remove, damage or deface any notice displayed in terms of subsection (2);
- (c) Write on or deface a parking coupon or certificate contemplated in subsection (5) or
- (d) In any way take possession of or handle or temper with a parking meter device in the possession of a parking marshal.

12.8 Subject to the provisions of subsection (12.9), every vehicle must be so parked in a parking bay that it is wholly within that bay.

12.9 If a vehicle parked in a parking bay, by reason of its length or its length and the length of any vehicle being drawn or towed by it, occupies any portion of an adjoining parking bay the person parking the vehicle must pay the prescribed fee for the duration of the parking period for both parking bays occupied by the vehicle.

12.10 No person may in any area contemplated in subsection (12.1), park a two wheeled vehicle without a side- car in any parking bay unless such bay is designated for the parking of such vehicle by means of a road traffic sign or notice.

12.11 If any vehicle has been parked in contravention of this section, it is deemed to have been parked by the person in whose name the vehicle has been registered, unless the contrary is proved.

a) For the purpose of this section a traffic officer appointed by the Council as contemplated in subsection , (1) may-

(i) Attach a wheel clamp to any unlawfully parked vehicle or

(ii) Act in terms of regulation 305 (6) of the National Road Traffic Regulations published in the Government Gazette under Government Notice R. 225 OF 17 March 2000.



- b) A prescribed fee is payable to the Council before the removal of a wheel clamp attached in terms of paragraph (a) (i).

12.12 The provisions of this section relating to parking and payment of a prescribed fee do not apply in respect of:

- (a) A fire-fighting or a fire fighting response vehicle;
- (b) An ambulance, emergency medical response vehicle or rescue vehicle;
- (c) A vehicle driven by the member of the South African Police Service, municipal police or traffic department while rendering police duties.
- (d) A vehicle engaged in a disaster management as contemplated in the Disaster Management Act, 2002 (Act No 57 of 2002);
- (e) A vehicle used in connection with the construction or maintenance of a public road or the rendering of an essential public service; or
- (f) A vehicle of a medical practitioner on an emergency call on condition that the vehicle is being parked for any service or purpose contemplated in this subsection.

12.13 A medical practitioner is exempt from paying the prescribed fee, while the vehicle used by that practitioner that parked in a demarcated space to enable him or her to perform professional duties at any place other than a consulting room or similar place, subject to a form or token issued by the South African Medical Council for that purpose being displayed on the windscreen of the vehicle concerned in such manner that is legible from outside the vehicle.

## CHAPTER IV GENERAL PROVISIONS

### 1. Offences and penalties

1.1 Any person who-

- (a) Contravenes or fails to comply with any provisions of these by-laws;
- (b) Fails to comply with any notice issued in terms of these by-laws; or
- (c) Fails to comply with any lawful instruction given in terms of these by-laws; or
- (d) Who obstructs or hinders any authorized representative or employee of the Council in the execution of his or her duties under these by-laws,

Is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months, and in the case of continuing offence, to a further fine not exceeding R50, or in default of payment, to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the person concerned, requesting the discontinuance of such offence. Repeal of by laws

1.2 All other by laws that might be in existence regarding Public Road and Miscellaneous by laws are hereby repealed. Short title

1.3 These By-laws are called the Public Road and Miscellaneous By-Laws of 2018

**UMZIMVUBU LOCAL MUNICIPALITY**  
**CODE OF PRACTICE FOR WORK IN THE ROAD RESERVE**  
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## 1. Definitions

In this Code unless the context otherwise indicates-

**“Authorized agent”** means an agent which is authorized by the Council to perform specified services.

**“Code”** means the Code of Practice for work in the Road Reserve as approved by the Council and as agreed to by the parties including any appendices attached thereto.

**“Council”** means-

- (a) the uMzimvubu Municipality established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 and includes any political structure or political office bearer as defined in the said Act, Councillor, duly authorized agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the Municipality and delegated to such political structure, political office bearer, Councillor, agent or employee;
- (b) Its successor in title, or
- (c) A structure or a person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), or
- (d) 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.

**“Lane rental”** means the rental which is paid to the road authority by a service agency whose work in the road reserve results in time delay costs (TDC) being incurred by the users of the road reserve.

**“Road authority”** means the organization or authorized agency appointed by the Council that is responsible for providing and maintaining the road network within the municipal area of the Council.

**“Road reserve”** means the full width of a public road, and includes the verge and the roadway.

**“Service”** means any system of supplying a public need that a service agency has on the road reserve.

**“Service agency”** means any municipal department, public agency, company or utility that has a service in the road reserve.

**“Wayleave”** means a formal approval to carry out work in the road reserve.

**“Work in the road reserve”** means any activity including the activities provided for in section 2 of this Code, carried out within the road reserve.

## **2. Procedure**

2.1 The basic procedure which is required for work in the road reserve is as follows;

2.2 Approval must first be obtained for the proposed work from the relevant municipal department or authorized agent.

2.1.2 A wayleave must then be applied for in accordance with the procedure set out in this document, before any approved work can be carried out in the road reserve.

2.1.3 If the wayleave application conforms to the requirements in this document, a wayleave will be issued by the road authority which allows for the work to be carried out.

2.1.4 The road authority must be informed 48 hours prior the commencement of the work;

2.1.5 The work must be carried out according to the procedures and specifications in the Code, the conditions under which the work was approved and any other requirement of every affected service agency.

2.1.6 On completion of the work all trenches and excavations in the road reserve must be backfilled and reinstated according to the specifications contained in this Code.

2.1.7 On completion of the work and temporary or permanent reinstatement, as applicable, a completion notice must be sent to the road authority by the wayleave holder. A reinstatement order must accompany the completion notice if the road authority has to do the permanent reinstatement.

2.1.8 The road authority will then carry out an inspection and issue a certificate of completion once all requirements have been met.

2.2 The Code applies to every person who carries out work in municipal road reserves in the municipal area of the Council, such as internal municipal departments, external organizations, service agencies and contractors. It does not apply to work in motorway reserves or in national or provincial road reserves within the municipal area of the Council.

2.3 The road authority undertakes to inform the relevant service agency in writing before commencing with any work in the road reserve that may affect the services of the service agency in the road reserve.

## **3. Work in the road reserve**

3.1 Work in the road reserve includes the digging of trenches, tunneling, erection of signboards, erection of structures, shaping and landscaping and any other work that may affect motorists, cyclists, pedestrians, the road, footways, kerbing, traffic signs, street lighting, underground or overhead services or any other structure or service that is contained within the road reserve.

### **3.2 Work in the road reserve can be divided into two categories**

3.2.1 The first category is work relating to the installation or maintenance of underground or overhead services by municipal service agencies and non-municipal service agencies for example Telkom, Eskom, Vodacom and MTN or any other person. For this type of work the approval of wayleave also constitutes the approval of the work as such.

3.2.2 The second category is work requiring approval of the work as such, which is a separate procedure to be completed before any application for a wayleave can be made or considered.

### **3.3 The second category of work includes, but is not restricted to**

3.3.1 The erection of structures that require approved building plans in terms of the National Building Regulations;

3.3.2 The erection of advertising signs that require approval in terms of the relevant by-laws;

3.3.3 Road works, such as construction of new roads, road widening or accesses to developments, undertaken by developers;

3.3.4 Connections to municipal services, such as water, sewers, electricity and storm water drainage from developments;

3.3.5 Erection of hoardings in the road reserve;

3.3.6 Installation of services by private concerns, e.g. data cables to connect different buildings;

3.3.7 The installation or construction of kerbing, paving, bollards, walls, gardens, etc. on sidewalks by property owners or occupiers;

3.3.8 Road closures;

3.3.9 Traffic calming devices.

### **3.4 The procedure to obtain approval for this second category of work falls outside the scope of the code.**

3.4.1 When applying for a wayleave for this category of work, the approved drawings together with the conditions of approval must be submitted with the wayleave application form.

## **4. Wayleave and lane rental**

### **4.1 Wayleave**

4.1.1 The road authority has jurisdiction over the road reserve and no work may be done on the road reserve before a wayleave in respect thereof has been issued by the road authority. A wayleave is permission ("leave") to cross the "way", i.e. the road.

4.1.2 To obtain a wayleave, a wayleave application form must be submitted, accompanied by three copies of the approved drawing showing details of the proposed work. Details required on the drawing are-

4.1.2.1 A clear depiction of the proposed work;

4.1.2.2 Where any service is to be installed, the depth of every service below the level of the surface of the road;

4.1.2.3 Distance of the service from the road reserve boundary (that is the property boundary);

4.1.2.4 Position and an extent of all structures including underground structures such as manhole, chambers, junction boxes, etc.

4.1.2.5 The location of all other services in the road Reserve.

4.1.3 Once all these requirements have been complied with, a wayleave will be issued by the road authority. An example of a wayleave to be attached at the back of the Code.

4.1.4 The application for a wayleave must be submitted timeously to ensure that a wayleave can be issued before the work is programmed to start. Work being carried out in the road reserve without a wayleave will be stopped by the road authority.

A copy of the wayleave must therefore always be on site when work is being done in the road reserve.

4.1.5 The wayleave holder accepts full responsibility for all costs associated with the work including any damage to any other service, the cost of relocation of any other service, backfilling and reinstatement, test and any claim that may result from the work.

4.1.6 Only work described in the wayleave may be done and only at the locations given in the wayleave. The work described in the wayleave must commence within 90 days of date of issue of the wayleave, failing which the wayleave lapses and re-application is required.

## **4.2 Lane Rental**

4.2.1 Lane rental refers to the rental in respect of a demarcated traffic lane in a road reserve which is payable to the road authority by a service agency whose work in the road reserve results in time delay costs (TDC) being incurred by the users of the road reserve.

4.2.2 It is based on a cost per traffic lane (or part of a traffic lane) occupied per day (or part of a day).

An occupied traffic lane is considered as being not longer than one street block. If a traffic lane is closed for two street blocks, for example, then the costs will be for two traffic lanes.

4.2.3 A prescribed fee is payable by a service agency to the road authority and such fee may differentiate between different road categories.

4.2.4 The road authority and the service agency must, before the commencement of the work, agree on the days that will be allowed during which work must be completed. During the agreed days the service agency will pay a lane rental that is equal to 50% of the TDC. However, after the agreed completion date, the lane rental will be 100% of TDC. All costs will be based on average TDC's that have been calculated for each road category.

4.2.5 A service agency is entitled to a reduced rate if work on the road reserve is undertaken after normal working hours, but precautions must be taken by the service agency to avoid disturbance in any residential area. For every day that work is done after normal working hours and the lane is fully opened for all the normal working hours of the following day, the lane rental will only be 10% of TDC.

4.2.6 For the purpose of calculating lane rental, normal working hours will be considered as being between 06:00 and 19:00 from Monday to Friday and between 06:00 to 14:00 on Saturday.

These times are not fixed and may change depending on local conditions and special events in the vicinity where work is to be undertaken.

4.2.7 The road authority or any organization working on behalf of the road authority is exempt from payment of lane rental when any construction, resurfacing, maintenance, improvement or rehabilitation work is being done on the road itself.

- 4.2.8 During the days that have been agreed to in terms of 4.2.6 above, no lane rental will be payable if all traffic lanes are kept open at all times. If work continues after the agreed completion date, a lane rental of 25% of TDC will be charged if all traffic lanes are kept open. If a traffic lane is closed for any part of a day, normal lane rental for full day will be charged (50% of TDC before the official completion date and 100% thereafter).
- 4.2.9 Lane rental will also be charged if a footway is affected by work. If the footway is totally closed so that pedestrians are required to use a traffic lane, then lane rental will be payable in the normal way for the occupation of a traffic lane, since the traffic lane will not be available for vehicular traffic. If a footway is partially obstructed in such a way that it causes a delay for pedestrians, then 50% of the lane rental that is applicable for that road, will be charged.
- 4.2.10 for the purpose of determining lane rental for footways, a footway will be considered that part of the verge that is normally used by pedestrians. For constructed footways the whole constructed width will be considered as footway.

## **5. Costs**

### **5.1 Processing fee**

A processing fee is a fixed amount that is payable by the applicant when submitting a wayleave application form. This fee is to cover the costs of processing the wayleave application and will be prescribed by the Council on the recommendation of the road authority, from time to time.

### **5.2 Reinstatement Cost**

- 5.2.1 When the road authority does the permanent reinstatement, the costs involved will be payable by the applicant to the road authority. The cost will be determined using the relevant reinstatement rates appearing on the wayleave application form. These rates are determined by the Council and will be reviewed from time to time.
- 5.2.2 In this case the wayleave application form must be accompanied by official order for an amount based on the expected area to be reinstated. The final invoiced amount payable will be determined using the measured area of the final reinstatement as agreed between the road authority and the service agency.
- 5.2.3 It is important to note that the decision on who does the permanent reinstatement lies with the road authority.

## **6. Existing services in the road reserve**

- 6.1 The wayleave holder must obtain information from every service agency supplying a service within the municipal area of the Council on the location of its service. Every service must then be indicated on the drawings to be submitted with the wayleave application form. Every service agency may impose additional conditions relating to work in the vicinity of its service.
- 6.2 As part of the undertaking/ indemnity on the wayleave application form, the applicant has to confirm that the necessary information has been obtained from every service agency and has to undertake to adhere to any additional condition imposed by any service agency.



## 7. Road categories

7.1 All roads are classified into one of the following categories as described below. The category of a road determines the nature of the specification for backfilling and reinstatement.

7.2 The following definitions apply for the road categories:

Function	Category	Road Type	Administration
A (Class 1)	A1	National Roads	SANRAL
	A2	Primary-(inter) provincial	Eastern Cape DoT
	A3	Urban Freeway/Motorway	Road Authority
B (Class 2)	B2	Primary-(inter) provincial	Eastern Cape DoT
	B3	Major(inter) urban arterials	Road Authority
C(Class3)	C2	(Inter) district connectors	Eastern Cape DoT
	C3	Minor (intra) urban arterials	Road Authority
D (Class4)	D2	(Intra )district connectors	Eastern Cape DoT
	D3	(Intra) district collectors	Road Authority
	D4	(Intra) district collectors& industrial roads	Road Authority
E (Class5)	E4	Urban distributors	Road Authority
F (Class 6)	F4	Local access roads	Road Authority
G (Class7)	G5	Private roads/ Cul de Sacs	Road Authority/Residents

7.3 Every road has been categorized into one of the above by the road authority and this information can be obtained from it.

## 7. Protected roads

8.1 Over and above the four categories, defined in section 7 of the Code, certain roads are further classified as protected roads (no-dig roads).

8.2 A protected road is a road across which no digging of trenches is permitted. A road is protected if it has been designated a protected road by the road authority. A road is designated as protected when it is of particular strategic importance or if it poses special engineering difficulties. Every arterial is, for example, protected. Any road that has been newly constructed, overlaid or resurfaced will be protected for a period of seven years.

8.3 If a road is protected it will be indicated as such on the wayleave. A protected road may only be crossed using a trenchless method. If a trenchless method cannot be used for some reason in a protected road, special permission to excavate must be obtained from the road authority.

8.4 For the purpose of planning work done by a service provider, F4 and G5 may be regarded as unprotected unless the road has been newly constructed, overlaid or resurfaced and fall within the seven years protected period: Provided that the first 20m from an intersection with any other class road is considered to be protected.

## 8. Traffic signs and barricading

9.1 It is the responsibility of the wayleave holder to ensure that any law regarding traffic, safety, traffic signs and barricading is complied with.

9.2 The wayleave holder must take all necessary measures and provide all necessary facilities to ensure an adequate safe and easy passage for traffic and pedestrians through areas in which work is in progress, or is uncompleted.

9.3 Any traffic sign and barricading must be done according to the latest edition of the South African Roads and Traffic Signs Manual (SARTSM), Volume 2, Chapter 13. An extract from that document appears at the back pages.

9.4 A wayleave may contact the relevant traffic authority to ensure that all requirements have been met for the particular location where the work is being done.

9.5 The importance of adequate traffic signs and barricading must be stressed. These measures are intended to ensure the maximum safety for motorists, pedestrians and workers and also the minimum disruption of vehicles and pedestrians. Work sites must be properly barricaded and signed irrespective of how long the work will take.

## 10. Road closures

10.1 The granting of a wayleave does not give the wayleave holder the authority to close the road completely to traffic. Methods of construction and programs of work must be determined on the basis that no road or portion of the road, may be completely closed to traffic for any appreciable period.

10.2 In exceptional circumstances permission will be granted for the closure of a road or portion of a road to traffic subject to provisions of any law. The wayleave holder must apply to the road authority separately for approval of such closure two weeks prior to the road being closed. Such a road closure will be approved for a specific period, i.e. from and to a specific time on a specific date and is only valid for this specific period. If the work is not completed in this specific period, an application for a new road closure will have to be made.

10.3 Work carried out on any arterial, major collector and CBD road will be restricted to outside the following periods, hours.

## 11. Excavations

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

11.2 The minimum depth that any service may be placed under a road is 800mm measured from the level of the surfacing of the road to the top of the service. The minimum depth to any other place in the road reserve, e.g. on a verge, is also 800mm measured from the level of the surfacing of the road and not from natural ground level. Any services not subject to being laid at a specific grade such as water pipes and cables, should not be placed at a depth in excess of the 800mm as this could interfere with a future service that has to be laid at a specific grade, such as sewers and storm water pipes.

11.3 All excavated material and equipment must be placed and demarcated in such a way as to cause the minimum disruption to vehicles and pedestrians. A safe passage must be kept open for pedestrians at all times.



11.4 The wayleave holder will be responsible for any damage to any existing service. Any service indicated on the drawings or on site by a representative from any service agency, must be opened by careful hand digging. If the service cannot be found, the relevant service agency must be contacted again for further instructions. Under no circumstances may a wayleave holder dig with mechanical equipment before every known service has been found and marked. When found, a service must be marked and protected or supported as required by the owner. If any service needs to be moved, instructions from the owner must be followed carefully. The wayleave holder will be responsible for all movement costs. If any service is damaged during excavations, the relevant service agency must be contacted immediately.

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

11.6 The wayleave holder must prevent any foreign material from entering any drain and ensure that silting does not occur either from pumping operations or as a result of rain. If any silting and other contamination does occur, the wayleave holder must clean the drain or request the road authority to do it at the cost of the wayleave holder.

11.7 All re-usable material such as concrete blocks, slabs, kerbs, gutters, channels and storm water inlets must be removed with care and re-used if possible.

11.8 If any street furniture (e.g. street names, traffic signs, bus shelters etc.) has to be removed, arrangement must be made with the relevant authority for the removal, storage and re-erection.

11.9 If an excavation is made through entrances to properties, access must be maintained by using steel plates, planks or other temporary bridges of sufficient strength and properly secured against movement. The occupants of the property must be kept informed at all times of how their access will be affected.

## **12. Trenchless methods**

12.1 If a trenchless method is used, disruption of traffic flow and pedestrian movement can be reduced considerably or totally eliminated. However, it is important that the wayleave holder using such method must have all the necessary equipment and expertise to complete the work successfully. Trenchless methods can be used for all road categories, but must be used for all roads classified as protected in terms of section 8.

12.2 The position of every existing service must be located accurately. If any service is damaged, the wayleave holder will be responsible for all costs to repair such damage.

12.3 The depth to the top of any tunnel that is drilled for the installation of a new service, must be at least 800mm measured from the level of the surfacing of the road.

### **13. Emergency work**

13.1 Emergency work is defined as any work which is required to prevent or end a dangerous situation, to prevent or end an unplanned interruption in the supply of a service, or to avoid any substantial losses.

13.2 The road authority must be informed of the emergency work by the service agency concerned in writing within 24 hours from commencing such work. If the road authority is not timeously informed, the work will be reinstated by the road authority and the cost thereof will be invoiced against the service agency at the increased tariff for work without a wayleave permission.

### **14. Specifications for backfilling and reinstatements**

#### **14.1 General**

14.1.1 Any trenching activity disturbs the structural integrity of a road or footway. Backfilling and reinstatement must therefore be done in such a way as to ensure that the reinstated trench and its immediate surroundings do not fail structurally, thus resulting in road user discomfort and increased costs.

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

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

14.1.4 Backfilling must in every case be done by the wayleave holder in accordance with the applicable specifications in sections 14.1.2 and 14.1.3. Permanent reinstatement (100mm asphalt layer), as specified in section 14.1.4 and 14.1.5, can either be done by the road authority or by the wayleave holder, subject to permission having been granted by the road authority and provided the wayleave holder has the required expertise and experience. Permanent backfilling and reinstatement (100mm asphalt layer), done by the wayleave holders subject to a guarantee period of one year based on the performance specifications described in section 14.8

14.1.5 If the permanent reinstatement must be done by the road authority, the wayleave holder must do a temporary reinstatement as specified in section 14.7. The wayleave holder will then be charged for the permanent reinstatement at the applicable rates appearing on the wayleave application form. A reinstatement order must in such a case be submitted together with the completion notice. The temporary reinstatement will be removed by the road authority and the backfilling will then be tested. If this does not comply with the applicable specifications, it will be replaced at a cost of the wayleave holder. These costs will be over and above the normal reinstatement costs.

14.1.6 Temporary reinstatement must also be done if the wayleave holder abandons the site for a period not exceeding two months with the view of returning to complete the work. The wayleave holder must maintain this temporary reinstatement.

## 14.2 Preparation of the Bottom of the Trench and Backfilling Around Service

14.2.1 The trench bottom must be prepared and compacted according to the requirements of the service agency concerned, to ensure that the service is not damaged. The same applies to the backfilling around the service. If any service with a diameter of more than 300mm is installed, the subgrade material used for the reinstatement must be soil Crete (in-situ material mixed with 8% cement, placed with poker vibrations, up to a level of 300mm above the top of the service.

## 14.3 Backfilling of Roads

14.3.1 The minimum requirements of the road authority are that the structural layers of the backfilled trench, i.e. the base, subbase, selected subgrade and subgrade down to a depth of 800mm below the level of the surfacing of the road, must have at least the same shear strengths as of those of the adjacent undisturbed structural layers.

14.3.2 It should be noted that it is generally very difficult to obtain the same quality structural layers in the confinement of a narrow trench as that of the undisturbed adjacent structural layers when the same materials are re-used.

14.3.3 One of the following methods must be used to ensure adequate shear strengths in trench backfill. The wayleave holder may use any one of the three following methods for backfilling:

### **Method A:** Re-using excavated material.

During excavation of the trench, the material from the top 400 mm of the excavation (or in the case of arterials, collectors and industrial roads, the top 550 mm) must be stockpiled separately from the rest of the material being excavated.

This material must then be improved through chemical stabilization with cement and used for the base and subbase layers during backfilling, and in the below arterials, collectors and industrial roads also for the selected subgrade layers. The requirements for this method is depicted on section 14. If the material is not stockpiled separately during excavation, the road authority will require that material with the required properties be imported. Material which was originally stabilized cannot be re-used and must be discarded.

### **Method B:** Importing material.

Import a G5 grave material and stabilize with 60 kg of cement per m<sup>3</sup> of material. Water must be uniformly mixed into the material. The material must then be placed in the trench in 75 to 100 mm layers and compacted to the required Mod. AASHTO densities as specified in figure 1 of the Code. The final layer must be finished to a level of 100 mm below the level of the surrounding sound surface of the road.

### **Method C:** Low strength concrete: Specially designed concrete mix (SDCM) for trench backfilling.

All Road Trenches/ Openings: Place 300mm SDCM concrete of minimum 2.5 Mpa crushing strength (28 days) and manufactured to an approved manufacture's specification. The SDCM concrete to be placed 50mm below the level of the surrounding sound surface of the road. The rest of the trench is backfilled with selected approved material compacted to 90% of MOD AASHTO density.

All Footway Trenches/ Openings: Place 150mm SDCM concrete of minimum 2.5 Mpa crushing strength (28 days) and manufactured to an approved manufacture's specification. The SDCM concrete mix is to be placed 30 mm below the level of the surrounding sound surface of the road. The rest of the trench is backfilled with selected approved material compacted to 90% of MOD AASHTO density.

14.3.4 Quality control of the backfilled structural layers can be done by measuring the shear strengths of the adjacent structural layers as well as that of the backfilled layers. The shear strength can be measured with a dynamic cone penetrometer (DCP) or a rapid compaction control device (RCCD). Although the shear strengths of the backfilled layers will be measured against undisturbed structural layers, an indication of probable acceptance on most roads can be obtained from the typical DCP and RCCD Penetration diagram depicted on figure 2 on section 14.8.7.

#### **14.4 Backfilling of Footways**

14.4.1 Any footway, where there is no possibility of vehicles crossing the footway, must be backfilled using the excavated material, placed in the trench in 150mm layers and compacted to 90% Mod AASHTO density (maximum DCP penetration of 19mm, blow) for all layers below the base and 93% Mod AASHTO density (maximum DCP penetration of 14mm/ blow) for the base.

14.4.2 Any footway where there is a possibility of light vehicles (cars and LDV's) crossing the footway, typical where there is a mountable kerbing, must be backfilled with Method A or Method B described in section 14.3.3 according to the standards for local streets specified in figure 1 following in section 14.8.7

14.4.3 Where any heavy vehicles make use of a footway, such as loading zones in industrial areas, the footway must be backfilled using Method A or Method B described in section 14.3.3 according to the standards for arterials, collectors and industrial roads on Figure 1 following on section 14.8.7.

14.4.4 Any excavation in an unconstructed verge must be backfilled in such a way that the verge is in the same condition after backfilling as it was before excavation. All excess material must be removed and not spread over the verge. Topsoil must be removed and stored separately and replaced as the final layer.

#### **14.5 Permanent Reinstatement of Roads**

14.5.1 The same method of reinstatement must be used independent of the method of backfilling of the structural layers.

14.5.2 The permanent reinstatement of the surfacing must consist of 100mm hot-mix asphalt. The lower 70mm must be "black base" (26.5mm nominal stone size, continuously graded) and the top 30mm fine (4.75mm nominal stone size continuously graded). Cold mix may only be used for temporary reinstatement. Both these surfacing layers must be compacted to 95% Marshall density.

14.5.3 The reinstated surfacing must be at least 100mm wider than the trench on both sides to accommodate any edge break where saw cutting was not possible.

14.5.4 The material used for the reinstatement of the surfacing must comply with the relevant requirements as described earlier in the Code: Asphalt Base and Surfacing of

the Committee of Land and Transport Officials (COLTO) or its successor in title, Standard Specification for Road and Bridge Works.

14.5.5 In the case of any road surfaced with interlocking paving blocks, the general procedure would be to re-use the material be used, it must be of the same type and size as the existing material and must comply with the requirements of SABS 1058-1985, as amended.

#### **14.6 Permanent Reinstatement of Footways**

14.6.1 The general procedure would be to re-use all the material removed during the excavation of the trench. If new material has to be used, it must comply with the following requirements:

(a) Precast concrete kerbs and channels: Any precast concrete kerbs and channel must comply with the requirements of section 2300: Concrete kerbing, Concrete Channeling, Open Concrete Chutes and Concrete Linings for Open Drains of the COLTO standard specification for Roads and Bridge Works. All cast in-situ concrete must be Class 25/19.

(b) Concrete paving blocks: All concrete paving blocks must comply the requirements of SABS 1058-1985 as amended.

(c) Cast In-situ concrete: All cast in-situ concrete must comply with the relevant requirements of section 6400: Concrete for Structures of the COLTO Standard specification for Roads and Bridge Works. All cast in-situ concrete must be Class 25/19.

(d) Precast concrete paving slabs: All concrete paving slabs must comply with the requirements of SABS 541-1971, as amended.

14.6.2 Any constructed footway must be reinstated with the same surfacing materials that existed originally (e.g. concrete blocks, slabs, etc.). Material may be re-used if undamaged, or else replaced with similar material.

14.6.3 If a private driveway and footway with non-standard materials are to be excavated, the owner of the property concerned must be informed in advance and in writing of the intended work. The owner must then supply the wayleave holder with the materials that are to be used for the reinstatement.

14.6.4 If any unconstructed verge has an established lawn, this must be removed, stored and replaced in sods in such a way that the lawn is in the same condition after reinstatement as it was before excavation. If the sods are allowed to dry out or become damaged in any way, they must be replaced with similar sods.

14.6.5 If an unconstructed verge has been planted with garden vegetation other than lawn, the owner of the adjacent property must be consulted before excavation, to obtain instructions on what to do with the plants that are affected. Every effort must be made to preserve all plants.



### 14.7 Temporary Reinstatements by the Wayleave Holder

If the permanent reinstatement is to be done by the road authority, the wayleave holder must do temporary reinstatement with a suitable material that is compacted to an adequate density to ensure that it will carry the traffic for a period of at least 14 days without deforming or potholing. The temporary reinstatement must be maintained by the wayleave holder in a serviceable condition for a period of 14 days from the date on which the completion certificate has been issued by the road authority. After the 14 days period the maintenance will be taken over by the road authority. It is recommended that cold mix asphalt be used for temporary reinstatement.

### 14.8 Performance Specification

14.8.1 The performance of any trench permanently reinstated by the wayleave holder will be monitored For 12 months, during which period the wayleave holder will be held responsible for any remedial work that may be required.

14.8.2 The tests that were used for quality control (density or shear strength) will be used to determine whether or not the work was done according to specifications. The road authority may do additional tests if the quality control tests are not considered to be adequate.

14.8.3 Remedial work will be required if any of the following defects exists:

- (a) Depressions
- (b) Humps (crowning);
- (c) Edge depression (trips, vertical discontinuities) at the interface; or
- (d) Cracking.

14.8.4 Any depression or hump will be measured with a straight edge across the reinstatement and will require remedial work if the following limits are exceeded over 100mm or more of the length of the trench.

Reinstatement Width	Height of Deformation or Hump as measured with straight edge (mm)
Up to 400	10
400 to 500	12
500 to 600	14
600 to 700	17
700 to 800	19
800 to 900	22
Over 900	25

14.8.5 Remedial work will also be required if a depression results in standing water wider than 500 mm exceeding one square meter, two hours after rain has stopped.

14.8.6 Any edge depression exceeding 10 mm over 100 mm or more of the length of the trench will require remedial work.

14.8.7 Any open crack wider than 3 mm and longer than 100 mm will require remedial work.

Layer	Treatment		Layer thickness (mm)	Depth (mm)
Surfacing	Temporary Surfacing Material from top 400(550) mm 4% OPC 98% Mod AASHTO	Permanent Surfacing 30mm Bitumen hot-mix fine 70mm Bitumen hot-mix : BTB	100	100
Base	Material from top 400 (550)mm stockpile Stabilize with 4% OPC Compact to 95% Mod AASHTO		150	250
Subbase	Material from top 400 (550)mm stockpile Stabilize with 4% OPC Compact to 95% Mod AASHTO		150	400
Selected Subgrade	Local streets : Compact to 93% Mod AASHTO	Arterials, collectors and Industrial streets: Material from top 550mm stockpile Stabilize with 4% OPC Compact to 93% Mod AASHTO.	150	550
Subgrade	Compact to 90% Mod AASHTO		250	800

Figure 1

### Recommended method for permanent backfilling

## 15. Completion notice and certificate of completion

15.1 On completion of the work concerned the wayleave holder must fill in the completion notice and return it to the road authority within 24 hours. The road authority will then arrange a site meeting with the wayleave holder to do an inspection and to issue a certificate of completion if all requirements have been met. The twelve months guarantee period for permanent reinstatement by the wayleave holder, or the 14 day maintenance period for temporary reinstatement by the wayleave holder, commences on the day after the date of issue of the certificate of completion.

15.2 Completion of the work means that all work has been completed and that all material, equipment and rubble have been removed and the site is completely cleared and cleaned and that either the permanent or temporary reinstatement, as applicable, has been done by the wayleave holder.

15.3 If work involves more than one street link (street block), a completion notice must be submitted after completion of each link.

## 1. WAYLEAVE PROCEDURE AND FORMS

- 1.1 Procedure for Wayleave Application
- 1.2 Wayleave application Form
- 1.3 Undertaking and indemnity
- 1.4 Completion Notice and Certificate of Inspection



## 1.5 Annexure A; Summary of Conditions for Work in the Road Reserve

**INFRASTRUCTURE DEPARTMENT**

<b>STEP 1:</b>	<b>BY APPLICANT</b>
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Obtain detailed information from all relevant service agencies with regard to all services adjacent to where the work is to be carried out. Provide them with a drawing at minimum scale 1: 500, WITH NORTH POINT, BLOCK PLAN WITH STAND NUMBERS, STREET NAMES AND HOUSE NUMBERS (where possible). All service information must be obtained before applicant applies for wayleave.

Please note:

If information of the position, or levels or the services are required, exposing and backfilling these services must be undertaken by hand. Give the relevant service agency two weeks prior notice to obtain this information.

<b>STEP 2:</b>	<b>BY APPLICANT</b>
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Prepare a drawing of the proposed work depicting the following details

1. PROPOSED WORK
2. DEPTH OF PROPOSED SERVICE BELOW ROAD LEVEL.
3. DISTANCE OF PROPOSED SERVICE FROM BOUNDARY.
4. POSITION OF ALL STRUCTURES INCLUDING UNDERGROUND STRUCTURES.
5. EXTENT OF ALL UNDERGROUND STRUCTURES.
6. LOCATION OF ALL OTHER SERVICES.

<b>STEP 3:</b>	<b>BY APPLICANT</b>
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The signed copies of the drawings and the signed application form must be handed to the central wayleave registration office, for final approval.

<b>STEP 4:</b>	<b>BY APPLICANT</b>
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The central wayleave registration office will check whether all requirements have been met.

The central wayleave registration office will register the application on the GIS and the applicant must pay the prescribed registration fee. When it has been registered a wayleave number will be allocated and the wayleave will be issued. The applicant must take note of all the special conditions. (see Annexure A to the Code).

The central wayleave registration office will forward the details of the approved wayleave to the relevant road authority wayleave inspector in whose area the excavation will take place and he will monitor the site and make sure that the correct standard and the Code are adhered to during excavation. The road authority wayleave inspector must be present when the DCP tests are done to approve the backfilling.

<b>STEP 5:</b>	<b>BY APPLICANT</b>
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On completion of the work the applicant must contact the road authority wayleave inspector who will arrange a site meeting to sign off the completed work.

Thereafter a completion certificate of completion will be issued once all requirements have been met. The twelve month guarantee period for permanent reinstatements by the wayleave holder or the 14 day maintenance period for temporary reinstatements by the wayleave holder, commences on the day after the date of issue of the certificate of completion.

**UMZIMVUBU INFRASTRUCTURE DEPARTMENT  
WAYLEAVE APPLICATION FORM**

Application is hereby made by the undersigned to do work in the road reserve as detailed below. The applicant undertakes to do the work according to the CODE OF PRACTICE FOR WORK IN THE ROAD RESERVE contained in these Public Roads and Miscellaneous by-laws 2017.

No work may commence before a wayleave is issued in respect thereof. All permanent reinstatements (100 mm asphalt layer) will be done by the road authority unless specific permission is granted to the applicant to do it for this wayleave. All applicable fees are to accompany this application.

**APPLICANT**

AGENCY/DEPARTMENT/ PRIVATE: \_\_\_\_\_

CONTACT PERSON \_\_\_\_\_ CONTACT NUMBERS \_\_\_\_\_

CONTRACT FAX \_\_\_\_\_ E-mail \_\_\_\_\_

CONTRACTOR: \_\_\_\_\_ PROJECT NO: \_\_\_\_\_

REINSTATEMENT ORDER NO: \_\_\_\_\_

**PROVISIONAL DATES**

STARTING DATE: \_\_\_\_\_ COMPLETION DATE: \_\_\_\_\_

DRAWING NUMBER: \_\_\_\_\_

**LOCATION OF WORK (give full details)**

SUBURB : \_\_\_\_\_ STREET NAME: \_\_\_\_\_

STREET (FROM): \_\_\_\_\_ STREET (TO): \_\_\_\_\_

ERF NO'S : \_\_\_\_\_

HOUSE NO'S : \_\_\_\_\_

**EXCAVATION DETAILS:**

LENGTH OF EXCAVATION: RIDING SURFACE \_\_\_\_\_ m:

KERBS \_\_\_\_\_ m

ASPH FOOTWAY: \_\_\_\_\_ m INTERNAL BLOCK \_\_\_\_\_ m: UNPAVED  
FOOTWAYS \_\_\_\_\_ m

**SPECIAL NOTE**

For the purpose of planning work done by service providers, local streets may be regarded as unprotected unless it has been newly surfaced and provided that the first 20 m from an intersection with any other class roads are considered to be protected.

FOR EXAMPLE THE FOLLOWING AGENCIES ARE AWARE THAT THE APPLICANT WILL BE WORKING WITHIN THE VICINITY OF THEIR SERVICES, HAVE GIVEN THE APPLICANT THEIR CONDITIONS FOR WORKING WITHIN THE VICINITY OF THEIR SERVICES AND THEREFORE HAVE NO OBJECTION TO APPLICANT APPLYING FOR THE WAYLEAVE.

AGENCY	REMARKS/ SIGNATURE/ DATE
TELKOM	
ESKOM	
PARKS	
VODACOM	
CELL C	
MTN	

**ROAD AUTHORITY OFFICE USE**

DATE RECEIVED

NAME OF OFFICIAL

SIGNATURE

APPROVED

YES	NO	WAYLEAVE NO:	
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**UMZIMVUBU INFRASTRUCTURE DEPARTMENT****UNDERTAKING/ INDEMNITY**

I, the undersigned hereby, acknowledge the receipt of a brochure containing the procedures and conditions pertaining to wayleave applications and understand that it will be my responsibility to contact the relevant service agencies within and outside the jurisdiction of Umzimvubu municipality, undertake to adhere to the conditions not applicable to this department, for example ESKOM, VODACOM etc.

- Undertake to furnish the relevant service agencies with all necessary application forms and information obtained as a result of this application, in order to obtain final wayleave approval and permission to work within the road reserve.
  - ❖ Acknowledge that service information is given in good faith and that the accuracy of this information is not guaranteed.
  - ❖ Guarantee all backfilling and permanent reinstatement work done by a contractor, for a period of twelve months that would start 14 days after the work is signed off as completed by the UMZIMVUBU ROAD AGENCY Inspector.
  - ❖ Accept responsibility for all costs associated with the work, including any damage to other services, backfilling and reinstatement of trenches, the costs of any tests that may be required any claims that may result from the work done by the Contractor until the work is taken over by the road authority and the permanent reinstatement is completed.

- ❖ Accepts the terms and conditions of the aforesaid Code of Practice for Work in the Road Reserve.

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Signature (Applicant)

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Signature (Road Authority Officer)

### **SUMMARY OF CONDITIONS FOR WORK IN THE ROAD RESERVE**

- Before any work is done in the road reserve, a wayleave must be issued by the road authority wayleaves office. This will only be done after a completed wayleave application form has been received by the wayleave officer and the reinstatement fee paid. Before submitting the form to the wayleave officer, approval must be obtained from all other agencies indicated on the form.
- In the case of emergency work, e.g. burst pipes, a wayleave application form must be submitted within 24 hours and the road authority maintenance depot must be informed.
- All work must be done according to the aforesaid Code of Practice. Only work indicated on the wayleave form may be done and only during changing the dates.
- The wayleave holder is responsible for all costs, including any damage to another service, backfilling, reinstatement, tests and any claims that may result from the approved work. The wayleave holder is also responsible for traffic signs, barricading and the safety of other road users and workers.
- If any tree or road furniture are affected by the proposed work, then the relevant office must be contacted.
- Any underground service must not have less than 800 mm cover all manhole or valve covers must be finished flush with the surface of the road or the verge.
- Backfilling and reinstatement: Backfilling must be done according to the specifications given in the aforesaid Code of Practice. The minimum requirement is that the backfilled layers must have at least the same shear strengths as those of the adjacent undisturbed pavement layers. The tests done with a DCP or a RCCD will either be done by the road authority or a copy of the results handed into the issuing wayleave office. ) authority unless specific permission is granted to the wayleave holder to do the work.
- The wayleave holder is responsible for obtaining the required strengths, but the following is recommended as a method that is sufficient in most cases.
  - ❖ The wayleave holder must ensure that the top 400 mm ( 550 mm for arterials, collectors and industrial streets), be stockpiled separately and stabilized with 4% Ordinary Portland Cement (OPC) approximately 80kg/m<sup>3</sup> of cement. The material must be compacted in thin (75 to 100 mm) layers with a vibratory compactor at optimum moisture content (OMC) to the required densities (base: 98%, subbase: 95%, selected subgrade: 93% and subgrade: 90% Mod AASHTO) to within 100mm of the existing road surface. This method should provide the required shear strengths in most cases, but it should be noted that material that was originally stabilized cannot be re-used and must be discarded.
  - ❖ The reinstatement of the surfacing must consist of 100 mm hot- mix asphalt. The lower 70mm must be black base (26, 5 mm nominal stone size, continuously graded) and the top 30 mm fine (4,75 mm nominal stone size, continuously graded hot mix). Cold mix may only be used for temporary backfills (Emergency backfill).

- ❖ If desired the wayleave holder may place foamed concrete of a minimum 4 MPa crushed strength and manufactured to an approved manufacturers specification. The foamed concrete is to be placed to level 100 mm below the surrounding surface level. As soon as the foamed concrete has set sufficiently, a 70 mm layer of asphalt base course material must be placed on top followed by a 30 mm layer of continuously graded asphalt wearing course material.
- ❖ The top 100 mm of a trench must be backfilled by the wayleave holder, compacted and maintained in a serviceable condition for a period of 14 days commencing on the day after the date of issue of the certificate of completion.
- ❖ Constructed footways must be reinstated with the original surfacing materials and the supporting layers compacted to obtain shear strengths at least equal to those of the adjacent undisturbed footway.
- ❖ Unconstructed verges must be backfilled in such a way that the verge is in the same condition as it was before excavation.
- ❖ After completion of any work in the road reserve, the site must be cleared and cleaned and all excess material, tools and equipment must be removed.
- ❖ The wayleave form, or copy thereof, must be returned to the wayleave officer within 24 hours after completion of the work with the completion notice and signed by all parties and must be accompanied by the DCP or RCCD test results.
- ❖ Any excavation left unattended for a period of more than 5 days, will be made safe by the road authority and charged to the service agency or contractor, who made the excavation.

**UMZIMVUBU INFRASTRUCTURE DEPARTMENT  
CERTIFICATE OF INSPECTION AND COMPLETION**

Wayleave No:

\_\_\_\_\_

The road authority inspector must sign this form. The signature is just for administrative control and by no means implies that the work has been done according to the specifications and conditions of the wayleave. The responsibility of ensuring that the service has been correctly installed, is that of the applicant.

Description of wayleave \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Street on                      Street from                      Street to                      Suburb

Responsible person (for the erection/ installation of the service)

Name: \_\_\_\_\_ Company: \_\_\_\_\_

Telephone No: (\_\_\_\_) \_\_\_\_\_

**COMPLETION NOTICE**

The infrastructure office is hereby informed that:

- The work done in terms of the above wayleave has been completed according to the conditions as prescribed in the wayleave.

AND

- The permanent reinstatement has been done in accordance with specifications in the Code of Practice for work in the Road Reserve.

OR

- A temporary reinstatement has been done and reinstatement order to the amount of R\_\_\_\_\_ is attached for the road authority to do the permanent reinstatement.

Name: \_\_\_\_\_ Signed \_\_\_\_\_ Date \_\_\_\_\_  
                   Wayleave Holder

#### **CERTIFICATE OF COMPLETION**

It is hereby certified that the site of the work carried out in terms of the above wayleave was inspected on the date above and that:

- The work has been completed
- The site has been cleared and clean, and
- The wayleave holder did the permanent reinstatement and the 12 month guarantee period commences from date.

OR

The wayleave holder did a temporary reinstatement and the 14 day maintenance period commences from the day after the date of issue of the certificate of completion. A reinstatement order was received from the wayleave holder.

#### **PERMANENT/TEMPORARY WAIVER OR SUSPENSION OF THIS POLICY**

This policy may be partly or wholly waived or suspended by the Municipal Council on a temporary or permanent basis after consultation with Management and Trade Unions.

Notwithstanding clause No. 10.1 the Municipal Manager may under circumstances of emergency temporarily waive or suspend this policy subject to reporting of such waiver or suspension to Council and Trade Unions.

#### **AMENDMENT AND/OR ABOLITION OF THIS POLICY**

This policy may be amended or repealed by the Council after consultation with Management and Trade Unions.

#### **COMPLIANCE AND ENFORCEMENT**

Violation of or non-compliance with this policy will give a just cause for disciplinary steps to be taken.

It will be the responsibility of all Managers, Supervisors, Executive Committee and Council to enforce compliance with this policy.

#### **APPROVAL OF THE POLICY**

The Municipal Council has approved this policy and amendments thereof.

17.1. This policy may be partly amended or repealed by the Council after consultation and interaction with Management and Trade Unions.

**18. COMPLIANCE AND ENFORCEMENT**

18.1. Violation of or non-compliance with this policy shall give a just cause for disciplinary steps to be taken.

18.2. It shall be the responsibility of all Managers, Supervisors, Executive Committee and Council to Enforce compliance with this policy.

**APPROVAL OF THE POLICY**

The Municipal Council has approved this policy and amendments thereof.

**AUTHENTICATION**

The amendments of the policy and or the new policy was adopted by the Council on the 30-08-2019

As per Council Resolution number UUMC 036/19

Signed off



Mr. G.P.T. Ngqo

Cllr. N.F Ngonyolo

Municipal Manager

Speaker of the Council





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