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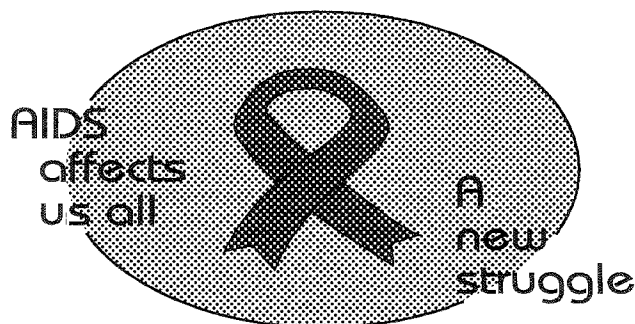
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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 181



MAKHADO MUNICIPALITY

AERIAL SYSTEMS BY-LAW

The Municipal Manager of Makhado Local Municipality hereby in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) publishes aerial systems by-laws for the municipality as approved by its council, as set out hereunder.

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1. Definitions

In this by-laws, unless the context otherwise indicates-

“aerial system” means a single aerial system or a communal aerial system as defined in the Code or an HF wired distribution system as defined in the Specification, and includes a satellite dish used for the reception of digital data from a satellite;

“Code” means the code of Practice of the South African Bureau of Standards, SABS 061-1973, for the Installation of Aerial Systems(Communal and Single) for the Reception of vhf and uhf Sound and Television Broadcast Transmissions(Metric Units);

“Council” means the Makhado Municipal Council;

“Occupier” in relation to any premises, means the person in actual occupation of such premises;

“owner” in relation to any premises, means the registered owner of such premises;

“premises” means an erf, lot, plot, stand or other similar subdivision of land within a township established or recognized under any law and includes any dwelling house or other building thereon, however, where any such dwelling-house or building extends over more than one such subdivisions is, for the purpose of these by-laws, deemed to be one subdivision;

“Specification” means the Specification of the Central Standardization committee, CKS 387-1973 for Television Hf Wired Distribution Systems (Metric Units) published by the South African Bureau standards.

2. Purpose

To regulate the erection, installation, control, use or removal of any aerial system for the reception of sound and television broadcast transmissions and digital data from satellites.

3. Application

- (1) These by-laws apply to all premises situated in the jurisdiction of Makhado Local Municipality.

4. Aerial system not to be installed, erected or used without approval of Council

- (1) No owner or occupier may erect, install or use or cause to be erected, installed or used any aerial system on any premises without having applied for and obtained the prior written approval of the Council, however, in respect of a single aerial system no approval is necessary where the mast of the aerial system is erected on a building on such premises and the mast does not project more than 3m above the highest point of building.
- (2) An application for any approval referred to in subsection (1), must be made to the Council in terms of the form obtained from the municipality and the application must be accompanied by the plans, drawings and other information indicated on the form and by a fee, to be annually fixed in the budget, payable to the Council.
- (3) On receipt of an application in terms of subsection (2), in respect of any premises, the Council may inspect the premises or cause the premises to be inspected, or call for such further information as it may deem necessary or expedient for the purpose of considering the application.
- (4) Council may approve or refuse an application, and must, within seven days after the application form has been lodged, in writing notify the applicant if the application has been approved or refused, and-
- (a) if the application is refused, Council must supply to the applicant with reasons why the application was refused: or

- (b) if the application is approved, Council must forward a notice of approval and one set of the application form and other documents that were submitted, to the applicant, and must specify in the notice of approval the conditions, as contemplated in subsection (6) to which the erection, installation or use of the aerial system are subject.
- (5) Council must keep a register which is open to public inspection at all reasonable hours and which contains the following particulars in respect of an application that was approved:
 - (a) the application which was made to Council for the erection, installation or use of the aerial system;
 - (b) the name and address of the applicant;
 - (c) the date of the application;
 - (d) the decision of Council;
 - (e) the prescribed fee that was paid;
 - (f) the conditions relating to the erection, installation or use of the aerial system; and
 - (g) the safety warranty and information as contemplated in section 6.
- (6) Subject to the provision that no condition may be imposed which would be likely to interfere with the reception of sound and television broadcast transmission, any approval for an aerial system in terms of the provisions of subsection (1) may be given subject to such conditions as the Council may deem fit to impose in respect of:
 - (a) the aesthetic appearance of the system;
 - (b) the safety and stability of the system;
 - (c) the strength and stability of the structure on which the system is to be erected or installed; and
 - (d) the means to be adopted to prevent access to the system by unauthorized persons.

5. Restriction on the erection, installation or use of aerial systems

- (1) No owner or occupier may erect, install or use or cause to be erected, installed or use-
 - (a) on any premises any aerial system which does not comply with the provisions of the Code or the Specification, as the case may be:
 - (b) on any premises more than one aerial system; or
 - (c) an aerial system which serves premises other than those on which the system is erected or installed.
- (2) Subject to the provisions of subsections (3) and (4), no owner or occupier may erect, install or use or cause to be erected, installed or used any aerial system other than a communal aerial system on any premises.
- (3) An owner or occupier may erect, install or use or cause to be erected, installed or used a single aerial system on any premises-
 - (a) on which there is a single dwelling-house including any outbuildings appurtenant thereto but excluding any semi-detached dwelling-house; or
 - (b) which have not more than one owner or hirer of a television receiver, and where in respect of the premises there are more owners or hirers of television receivers who are members or servants of the same household, the premises is deemed to have not more than one owner or hirer of a television receiver.
- (4) An owner or occupier may erect, install or use or cause to be erected, installed or used an HF wired distribution system on any premises which have a building thereon which is a hotel or in which provision is made for the accommodation of persons in the offices, rooms or other portions of the building which are adequately furnished for the

purposes of such accommodation by the person providing the accommodation.

6. Notification of completion of installation or erection of aerial system

- (1) Within 14 days after the completion of the erection or installation of any aerial system on any premises, the person responsible for the erection or installation of the system must register it and furnish the council and the owner or occupier referred to in section 4(1) with a safety warranty and such other information as is set out in the form obtained from the municipality.

7. Particulars to be endorsed on certain building plans

- (1) Subjects to subsection (2), any person who intends-
- (a) to erect a new building on any premises; or
 - (b) to extend the floor area of such existing building on any premises by not less than 40% of the floor area of such existing building, must ensure that adequate provision has been made in the building plans concerned for conduits, junction boxes and such other fittings as are required for the erection or installation of an appropriate aerial system and must endorse such plans or cause such plans to be endorsed accordingly.
- (2) Subsection (1) does not apply to a building which is designed for residential purposes or to a dwelling house.
- (3) A person contemplated in subsection (1) must, during the course of the erection of a new building or the extension of the floor area of an existing building as contemplated in that subsection, install or cause to be installed such conduits, junction boxes and other fittings as are shown on the building plans concerned and which comply with the

Standard Regulations for the wiring of Premises published by the South African Institute of Electrical Engineers and with the Code or the specification, as the case may be.

8. Powers of entry and inspection

- (1) Any officer of the Council or other person acting on its behalf, authorized thereto in writing by the Council may at all reasonable times enter upon any premises or any portion thereof-
 - (a) on which any aerial system has been erected or installed or is being used; or
 - (b) on which, the officer of the Council or other person acting on its behalf has reasonable grounds for believing, any aerial system has been erected, installed or is being used, and carry out any inspection or test which the officer of the council or other person acting on its behalf deems necessary or expedient in order to determine whether the following have been complied with:
 - (i) the provisions of these by-law;
 - (ii) any condition imposed in terms of section 4(6); and
 - (iii) the provisions of the Standard Regulations for the Wiring of Premises, published by the South African Institute of Electrical Engineers in regard to the erection, installation or use of such aerial system.
- (2) If it appears to the Council from any inspection or test made in terms of subsection (1) that the provisions of these by-laws or any condition imposed in section 4(6) have not been complied with, the Council may act in terms of section 11.

9. Authentication and service of notices and other documents

- (1) An order, notice or other document requiring authentication by the Municipality must be sufficiently signed.

- (2) Any notice or other document that is served on a person in terms of this by-law, is regarded as having been served when it is served in accordance with section 115(1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).
- (3) Service of a copy shall be deemed to be service of the original.
- (4) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

10. Appeal

- (1) A person whose rights are effected 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) The municipal manager must commence with an appeal within six weeks of lodgement of the appeal and decide the appeal within a reasonable time.

11. Notice of compliance and representations

- (1) The notice of compliance must state—
 - (a) the name and residential or postal address of the affected person;
 - (b) the requirement/s which has not been complied with;
 - (c) detailed measures required to remedy the situation;

- (d) that the person must within a specified period take the measures to comply with the notice and to complete the measures before a specified date; and
 - (e) the right to appeal as contained in section 10.
- (2) Where a person does appeal and fails to take the measures before the date contemplated in subsection (1)(d), that person commits an offence, and the municipality may, irrespective of any penalty which may be imposed, act in terms of subsection (3).
- (3) The municipality may take such measures as it deems necessary to remedy the situation and the cost thereof must be paid to the municipality in accordance with section 12.

12. Costs

- (1) Should an owner or occupier fail to take the measures required from the owner by a notice of compliance contemplated in section 11 the Council may, subject to subsection (3) recover, as a debt, all costs incurred as a result of it acting in terms of section 11(3) from that owner, occupier or any person who has or had a right to use the land at the time when the situation came about.
- (2) The costs recovered must be reasonable and may include, without being limited to, costs relating to labour, water, equipment, administrative and overhead costs incurred by the Council under section 11(3).
- (3) If more than one person is liable for costs incurred, the liability must be apportioned as agreed among the persons concerned according to the degree to which each was responsible for the emergency resulting from their respective failures to take the required measures.

13. Offences and Penalties

- (1) A person who or organization which contravenes any provision of this by-law or fails to comply with any provision of this by-law commits an offence and shall on conviction be liable to fine or imprisonment.

14. Repeal

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

15. Short title and commencement

This by-law is called Makhado Local Municipality: Aerial Systems By-law and shall come into operation on the date of publication thereof in the *Provincial Gazette*.

LOCAL AUTHORITY NOTICE 182



MAKHADO LOCAL MUNICIPALITY

CARAVAN PARK BY-LAWS

The Municipal Manager of Makhado Local Municipality hereby in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) publishes caravan park by-laws for the municipality as approved by its council, as set out hereunder.

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1. Definitions

For the purpose of these by-laws-

"ablution room" means a room or apartment in a caravan park which has been set aside for people to wash themselves or to take a bath;

"adult" means a person above the age of 16 years;

"authorized official" means an official of the Council appointed to supervise or control a park, its tenants and such tenants' parties, visitors or servants;

"caravan" means a vehicle or similar movable structure having no foundation other than jacks and which is so designed or constructed for human occupation for dwelling or sleeping and includes a mobile house or trailer or travel trailer;

"caravan park" means the municipal caravan park or such other park or site or land which the Council from time to time sets aside for the purpose of a caravan park, camping site or as overnight facilities, which provides a stand

for more than two units or sleeping-places for two persons, irrespective of whether fees are charged for such stands or sleeping-places or not;

"council" means the Makhado Municipality Council and includes any officer to whom Council has delegated the powers, functions and duties vesting in the Council in relation to these by-laws;

"electrical equipment" means any apparatus, leads, fittings or accessories which may be charged with electric current of more than 32 volts;

"fire-place" means a griller or structure or demarcated place in a caravan park for the purpose of making an open fire;

"hot water" means heated water as provided by the Council at the various buildings and facilities in a caravan park;

"laundry" means clothing and bed-cloths or other woven material only, being the property of a tenant or members of the party;

"laundry room" means a room or apartment or shed which has been specifically set aside for the tenants for the sole purpose of washing laundry and, where no separate facilities are provided for ironing, also for ironing laundry;

"motor cycle" means any vehicle self-propelled which has two wheels and includes any such vehicle having a side-car attached thereto;

"motor vehicle" means any vehicle self-propelled which has three or more wheels and includes an articulated motor vehicle, such as a truck tractor and a semi-trailer, but excludes a motorcycle having a side-car attached thereto;

"party" means persons who, according to a permit, are members of the group of persons for whom a tenant has paid;

"permit" means a permit issued in terms of section 5(1);

"refuse" means all waste, paper, rubbish, garbage or litter;

"refuse bin" means a bin or receptacle with a properly fitting lid supplied by the Council and no other bin, receptacle or container whatsoever;

"scullery" means a room, an apartment or shed which has been set aside for the sole purpose of washing or cleaning crockery or utensils;

"servant" means any person who performs temporary, part-time or permanent service for a tenant within a caravan park;

"sleeping-place" means a bed in the building which has been erected for the accommodation of persons;

"stand" means a portion of land within a caravan park, demarcated, designed or intended for use as a stand for one unit;

"tenant" means a person who has paid the prescribed charge for a stand or a sleeping-place in a caravan park and who has obtained a permit in respect thereof;

"tent" means a tent or shelter or canvas or similar material which may be erected separately as well as attached to a caravan as a side-tent;

"unit" means a combination, and includes a motor vehicle and a caravan, or a motor vehicle and a tent, or motor cycle and a tent, or a motor vehicle alone, or a motor cycle alone, or a tent alone; and

"visitor" means a person being a bona fide guest or visitor of a tenant, but not a hawker, salesman or any itinerant trader or agent.

2. Purpose

To control access to and residency in caravan parks within the Municipality's jurisdiction, and to control the general behaviour of tenants, members of tenants' parties, tenants' visitors, and tenants' servants.

3. Application

These by-laws apply to all caravan parks under control and within the jurisdiction of the Makhado Municipality.

4. Right of admission

The right of admission to a caravan park is reserved by the Council or its authorized officer.

5. Permits

- (1) No person may occupy or use a stand or sleeping-place or park a motor vehicle, motor cycle or caravan, or place or pitch a tent on a stand without first having obtained a permit from the authorized official.

- (2) An authorized official may issue or refuse to issue a permit to any person who wishes to occupy or use a sleeping-place or a stand.
- (3) The following must be indicated on each permit:
 - (a) the period of validity;
 - (b) the number of persons entitled to be allowed in terms of the permit;
 - (c) the registration number of the caravan or motor vehicle or motor cycle of the tenants;
 - (d) the number of the relevant stand or sleeping-place; and
 - (e) an indemnity clause with wording similar to the wording contained in section 6.
- (4) No permit shall be issued –
 - (a) for more than one stand or unit;
 - (b) for more than one sleeping-place, unless the permit is issued in respect of a tenant and the members of the party of such tenant;
 - (c) unless the charges, as prescribed in the tariffs schedule of the municipality, have been paid.

6. Indemnity

- (1) It is an express condition of the permit that the Council accepts no liability for any personal or material damage, harm, loss or injury whatsoever which may be suffered by a tenant, a member of the tenant party, members visitor or members servant while being in a caravan park, irrespective of whether such damage, harm, loss or injury is caused by a person in the service of the Council or any other person.

7. Reservations

- (1) Stands may be reserved in advance for groups of five or more units only against payment of at least half of the total charges for the permits as prescribed in the municipal tariffs, at the time of the advance reservation.
- (2) No refund of any monies shall be made in respect of an advance reservation being cancelled.
- (3) The charges for all the reserved stands are payable from the day for which the advance reservations has been made, irrespective of whether any or all stands reserved in advance, are only occupied or used later during the reserved time.
- (4) No advance reservations shall be undertaken for sleeping-places.
- (5) No person shall be allowed to occupy any stand in a caravan park, continuous or otherwise, for more than three (3) months in any period of twelve months without the consent of the Council or its authorized official having previously been obtained, which consent shall be subject to such terms as the Council or its authorized officer may impose.

8. Stands and sleeping-places

- (1) A stand or sleeping-place shall be allocated at the discretion of the authorized official with due regard to the wishes of the tenant to whom the permit has been issued.
- (2) A tenant must ensure the tenants caravan, tent, motor vehicle, motor cycle and all the tenants other property and belongings are within the boundaries of the stand allocated to the tenant.

- (3) A tenant, a member of a tenant's party, tenant visitor or tenant servant must use a recognized road within the caravan park for transport to and from the tenant's stand.
- (4) No tenant, a member of tenant party, tenant visitor or tenant servant may drive over other stands.
- (5) No tenant, a member of tenant party, tenant visitor or tenant servant may walk over the stand of another tenant without permission of the other tenant.

9. Separate facilities

- (1) No person may enter a room or apartment intended for the other sex, except a child under the age of three years, provided that a child is accompanied by an adult of the sex for which the room or apartment is intended.
- (2) A caretaker or other authorized official may only enter the ablution room and lavatories for the other sex when the ablution room or lavatories are not occupied, but may request a person of the other sex to enter such apartment on caretaker or other authorised official behalf if the caretaker or other authorised official considers this necessary for the execution of the duties.

10. Damage to vegetation or property

- (1) No person may –
 - (a) uproot, cut down or damage any plant, bush or tree in a caravan park;
 - (b) drive vehicles on the lawns in a caravan park; or
 - (c) damage, remove or tamper with electrical equipment, notice boards or other property of the Council in a caravan park.

11. Chemical latrines

- (1) Where a chemical latrine is used in a caravan, the tenant must ensure that the latrine is free of any odour and that it is emptied and cleaned at regular intervals.

12. Animals

- (1) No domestic animals or other pets are allowed in a caravan park or may be kept in a caravan park, without the consent of the Council or its authorized official having previously been obtained, which consent shall be subject to such terms as the Council or its authorized officer may impose.
- (2) No other animal, poultry or bird may be kept in a caravan park.
- (3) A person who brings into or keeps in the caravan park a domestic animal without the consent of the Council or its authorized official having previously been obtained, or who brings into or keeps in the caravan park any other animal, poultry or bird commits an offence.

13. Electrical generators

- (1) No person may operate or use an electrical generator within a caravan park, without the consent of the Council or its authorized official having previously been obtained, which consent shall be subject to such terms as the Council or its authorized official may impose.

14. Electrical current

- (1) Should a stand be supplied with an electrical connection, the tenant may, without paying any additional charge, conduct electrical current from such connection to the tenant caravan, tent or motor vehicle, provided that the conductors used for such purpose has previously been approved of by the Council or its authorized official.
- (2) Only normal domestic electrical appliances may be used on a stand or in a caravan, tent or motor vehicles and no electrical welding appliances, power tools or electrical washing machines may be coupled by means of conductors to the electrical connection.

- (3) No person may conduct electrical current from one stand to another stand, without the consent of the Council or its authorized official having previously been obtained, which consent shall be subject to such terms as the Council or its authorized official may impose.

15. Use of facilities

- (1) No tenant, a member of a tenant party, tenant visitor or tenant servant may –
 - (a) use the facilities provided by the Council for longer than the approved period;
 - (b) foul the facilities;
 - (c) inscribe anything on the facilities; or
 - (d) deface the facilities in any way whatsoever.
- (2) No person may use the facilities such as ablution rooms, sculleries, laundry rooms and lavatories for any other purpose than the purpose for which they are provided.

16. Weapons

- (1) No fire-arms, air-gun or any other weapon which may be used to cause bodily harm, is allowed in a caravan park, except properly licensed arm used for personal protection and which is in the possession of an adult tenant or an adult member of the tenant party or an adult visitor.
- (2) A person who brings into the caravan park or who keeps in the caravan park a fire-arm, air-gun or any other weapon which may cause bodily harm and which is not properly licensed and used for personal protection commits an offence.

17. Trading without permission prohibited

- (1) No person may carry on any trade or business, nor hawk or expose for sale any goods whatsoever within the precincts of any caravan park without the written consent of the Council first being obtained, however the delivery or sale of perishable foodstuffs to tenants by duly licensed traders is permitted.

18. Angling

- (1) No person may angle in a dam or stream in a caravan park.

19. Lighting of fires

- (1) No person may make a fire within a caravan park, except in a fire-place provided by the Council.
- (2) No person may gather fire-wood in a caravan park.

20. Musical instruments, televisions and radio sets

- (1) The use of musical instruments, televisions and radio sets is limited to the tenant's caravan or stand.

21. Sub-letting and boarding

- (1) No tenant may sub-let a stand or cede the rights to any other party.
- (2) No person may board or lodge any person for money or other valuable consideration.

22. Swimming

- (1) No person may swim in a dam or stream in a caravan park.

23. Garden hoses

- (1) No tenant, a member of the tenant party, or tenant visitor, or tenant servant may use a garden hose in a caravan park.

24. Means of amusement

- (1) No adult may use the means of amusement or any other apparatus provided for the use and amusement of children.
- (2) The use of the means of amusement or apparatus is the user's own risk.

25. Wash and service of vehicles

- (1) No person may, in a caravan park –
- (a) wash a motor vehicle with a hose; or

- (b) repair or service a motor vehicle, motor cycle or caravan.

26. Prohibited behaviour in a caravan park or its premises

(1) No person may –

- (a) enter into a caravan park or any part thereof than by an entrance designated for that purpose;
- (b) use any part of the caravan park for relive other than in the ablution facilities provided for that purpose and for use by members of the same sex;
- (c) simultaneously share with another person of a different sex any place of ablution;
- (d) use profane or indecent language or behave in any other manner which constitutes a nuisance or unacceptable behaviour towards other persons inside or on a caravan park;
- (e) destroy, damage or deface any part of a caravan park, accessories or equipment;
- (f) discard rubbish such as, but not limited to bottles, plastic cups and plates, tin cans, paper, fruit and rinds, or any other object that may interfere with the cleanliness of the caravan park in any other place in a caravan park than in a container provided for that purpose;
- (g) annoy, endanger, injure or harm any other person inside a caravan park;
- (h) neither inside nor outside a caravan park, obstruct, resist or in any manner interfere with an official in the execution of the duties or the exercise of any authority in terms of these by-laws;
- (i) tamper with or in any manner interfere with any appurtenance in or on the premises of a caravan park;
- (j) behave or conduct in a manner which may prejudice good order;
- (k) bring into or onto the premises of a caravan park any substance or matter which may endanger the safety of people in the caravan park, or which may be used to disrupt proceedings at or spoil the peaceful enjoyment of the caravan park; or
- (l) wilfully fail to comply with a lawful instruction given by an official.

27. Notice of contravention

- (1) Council may serve a notice of contravention on a person who committed an offence.
- (2) A notice of contravention must –
 - (a) specify, at the time when the notice is issued, the name and residential and postal address, if either or both of these be known, of the person on whom the notice is served;
 - (b) state the particulars of the contravention;
 - (c) specify the amount of the penalty payable in respect of that contravention and the place where the penalty may be paid; and
 - (d) inform the person on whom the notice was served that the person may, within 28 calendar days of the date of service of the notice -
 - (i) pay the penalty; or
 - (ii) inform Council in writing that the person elects to be tried in court on a charge of having committed an offence.
- (3) If the person elects to be tried in court he or she must, within seven calendar days, notify Council.

28. Offences and Penalties

- (1) A person who or organization which contravenes any provision or fails to comply with any provision of this by-law commits an offence and shall on conviction be liable to-
 - (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and imprisonment; and
 - (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
 - (c) a further amount equal to any costs and expenses found by the court to have been incurred by Council as result of such contravention or failure.

29. Appeal

- (1) A person whose rights are effected 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) The municipal manager must commence with an appeal within six weeks of lodgement of the appeal and decide the appeal within a reasonable time.

30. Limitation of liability

- (1) Council is not liable for any damage or loss caused by –
 - (a) the exercise of any power or the performance of any duty in good faith under these by-laws; or
 - (b) the failure to exercise any power, or perform any function of duty in good faith under these by-laws.

31. Repeal of by-laws

The Louis Trichardt: Caravan Park By-laws, 1985 is hereby repealed.

32. Short title and commencement

This by-law is called Makhado Local Municipality Caravan Parks By-Laws and comes into operation on the date of publication in the provincial gazette.

LOCAL AUTHORITY NOTICE 183



MAKHADO MUNICIPALITY

FENCES AND FENCING BY-LAWS

The Municipal Manager of Makhado Local Municipality hereby in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) publishes fences and fencing by-law for the municipality as approved by its council, as set out hereunder.

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1. Definitions

In this by-law, unless the context otherwise indicates—

“boundary” means the real or notional line marking the limits of premises;

“agent”, in relation to the owner of a property, means a person appointed by the owner of the property—

- (a) to receive rental or other payments in respect of the property on behalf of the owner; or
- (b) to make payments in respect of the property on behalf of the owner;

“erect” means to cause, allow or permit to be erected;

“fence” means any fence, together with any gate or any contrivance forming part or serving the purpose of such a gate, erected as a boundary between any erven, lots or stands within the municipal area, and includes a fence which is not erected on a boundary, such as a garden fence or a free-standing wall on an erf, lot or stand;

“ground level” means the natural level of the ground, except where such level has been disturbed, in which case the street level is to be regarded as the ground level;

“municipality” means the Makhado Local Municipality established in terms of Section 12 of the Municipal Structures Act, 1998 (Act 117 of 1998), and includes any political structure, political office bearer, councillor, duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“public land” means land the ownership of which is vested in an organ of state;

“repair” has the meaning assigned to it in the Fencing Act, 1963 (Act 31 of 1963).

2. Purpose

To regulate the fences and fencing within the Municipality with the aim of safeguarding the residents and visitors.

3. Application

- (1) Subject to the provisions of the Fencing Act, 1963 (Act 31 of 1963), the provisions in this by-law relating to an electrical fence, barbed wire and razor wire do not apply to land zoned for agricultural purposes, except where such electrical fence, barbed wire or razor wire is erected on the boundary between the agricultural land and public land.
- (2) The provisions of this by-law apply only insofar as it is not in conflict with existing Zoning Scheme Regulations of the Makhado Municipality or any of its legal predecessors.

4. Fences

- (1) No person may, without the prior written consent of the municipality and subject to any conditions it may impose—
 - (a) erect a fence on lateral or rear boundaries of premises which is more than 2,2 metres in height from ground level;
 - (b) erect a fence within 4,5 metres of a street boundary which is more than 2 metres in height from ground level, provided that a fence not exceeding 2,2 metres may be erected for a distance not exceeding 10 metres where such fence screens a swimming pool or a yard area where it will not interfere with sight lines of vehicles entering or leaving the property, or passing traffic;
 - (c) on a boundary of premises alter or make an addition to an existing fence which is more than 2,2 metres in height from ground level;
 - (d) erect or may have on a boundary, an electrified fence, electrified railing or other electrified barrier, unless it—

- (i) is erected on top of a wall which may not be less than 2,2 metres high and built of brick, cement, concrete, paling or similar material; and
 - (ii) it complies with the Electrical Machinery Regulations; and
- (e) subject to subsection (8), erect on a boundary of premises a barbed-wire fence, railing, paling, wall or other barrier with spikes or other sharp or pointed protrusions.
- (2) A person who wishes to obtain the consent of the municipality must submit an application form which is obtained at the municipal offices, to the municipality, and the municipality may refuse or grant consent.
- (3) Should the municipality refuse permission, it must supply the applicant in writing with the reasons for the refusal.
- (4) Should the municipality grant consent, it may impose conditions, requirements or specifications according to each individual case, and subject to the provisions of SANS Code No. 1372 relating to Prefabricated Concrete Components for Fences, and the consent must be entered on the form referred to in subsection (2), and a person who has obtained consent, must at the request of an authorised official, immediately produce the form.
- (5) A person who has obtained consent in terms of subsection (4) must ensure that the fence is maintained in a good condition.
- (6) No person may—
 - (a) without the prior written consent of the municipality demolish, interfere with or damage a fence for which consent has been granted in terms of subsection (4);
 - (b) climb over or crawl through a fence without the permission of the owner or occupier of the land;
 - (c) erect a fence covered with—
 - (i) canvas, reeds, grass or any combustible material, except poles or split poles, or approved wood, which may not be erected within 4,5 m of any street and which may not exceed 2 m in height; or

- (ii) sheet iron, corrugated galvanised iron or any other sheeting along or within 4,5 m of any street;
 - (d) allow a fence to fall into disrepair; and
 - (e) affix to or allow to be affixed to a fence any posters, placards or similar notices, or draw or apply anything on a fence unless it is done so in terms of the Outdoor Advertising and Signage By-law.
- (7) The municipality may, whenever it appears that, in the interests of safety—
- (a) a fence needs to be erected or repaired, instruct the owner or occupier on whose premises such fence needs to be erected or repaired, to undertake such steps as stipulated in the instruction; or
 - (b) the height of a wall, hedge or fence at a street corner needs to be reduced, by order in writing instruct the owner or occupier property to reduce the height of such wall, hedge or fence to a height specified in such order.
- (8) In the instance where barbed-wire or other barrier with spikes or other sharp or pointed protrusions are erected on a wall of 2,2 metres in height from ground level on an erf outside the defined urban Conservation Area or on an erf not zoned for residential purposes, the consent of the municipality is not required, provided that such barbed-wire, barrier with spikes or other sharp or pointed protrusions does not increase the height of the fence to more than 2,5 metres, and the protrusion is not unsightly and is maintained in a good state of repair.
- (9) Should a person fail to comply with a provision of subsection (1), with a condition, requirement or specification contemplated in subsection (4), or subsection (5) or an instruction issued in terms of subsection (7), the municipality may serve a notice of compliance or a demolition order on the person.

5. Notice of compliance and representations

- (1) The notice of compliance must state—
 - (a) the name and residential or postal address of the affected person;
 - (b) the requirement which has not been complied with;
 - (c) detailed measures required to remedy the situation;
 - (d) that the person must within a specified period take the measures to comply with the notice and to complete the measures before a specified date; and
 - (e) the right to appeal as contained in section 9.
- (2) Where a person does appeal and fails to take the measures before the date contemplated in subsection (1)(d), the person commits an offence, and the municipality may, irrespective of any penalty which may be imposed under section 13, act in terms of subsection (3).
- (3) The municipality may take such measures as it deems necessary to remedy the situation, including the demolition of the fence, and the cost thereof must be paid to the municipality in accordance with section 6.

6. Costs

- (1) Should a person fail to take the measures required of, by a notice of compliance, the municipality may, subject to subsection (3) recover, as a debt, all costs incurred as a result of it remedying the situation from that person and any or all of the following persons:
 - (a) the owner of the land, building or premises; or
 - (b) the person or occupier in control of the land, building or premises or any person who has or had a right to use the land at the time when the situation came about.
- (2) The costs recovered must be reasonable and may include, without being limited to, costs relating to labour, water, equipment, administrative and overhead costs incurred by the municipality under section 7(3).

- (3) If more than one person is liable for costs incurred, the liability must be apportioned as agreed among the persons concerned according to the degree to which each was responsible for the emergency resulting from their respective failures to take the required measures.

7. Demolition order

- (1) A person on whom a demolition order has been served must demolish the fence and remove the materials.
- (2) Should the municipality demolish a fence, it may remove the materials and dispose of the whole or any part of the materials by public auction or public tender.
- (3) The municipality may deduct from the proceeds of any materials disposed of the costs of any pulling down, removal or demolition and the costs incurred of disposal and will thereafter pay any balance to the owner of the fence removed or demolished.
- (4) Should the proceeds of an auction or sale in terms of subsection (2) be insufficient to cover the costs of any pulling down, removal, demolition or disposal, the municipality may, subject to section 6(3), recover from that person, as a debt, the outstanding balance of the costs incurred.

8. Authentication and service of notices and other documents

- (1) An order, notice or other document requiring authentication by the Municipality must be sufficiently signed.
- (2) Any notice or other document that is served on a person in terms of this by-law, is regarded as having been served when it is served in accordance with section 115(1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).
- (3) Service of a copy shall be deemed to be service of the original.
- (4) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

9. Appeal

- (1) A person whose rights are affected by a decision delegated by the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) to the municipal manager within 21 days of the date of the notification of the decision.

10. Implementation and enforcement

- (1) The municipality may appoint an official to administer the implementation and enforcement of this by-law.
- (2) A person commits an offence if a person—
 - (a) hinders or interferes with an official in the execution of the official's official duties;
 - (b) falsely professes to be an official;
 - (c) furnishes false or misleading information when complying with a request of an official; or
 - (d) fails to comply with a request of an official.

11. Exemptions

- (1) Any person may in writing apply to the municipality for exemption from any provision of this by-law.
- (2) The municipality may—
 - (a) grant an exemption in writing and set and determine the period for which such exemption is granted;
 - (b) alter or cancel any exemption or condition in an exemption; or
 - (c) refuse to grant an exemption.
- (3) An exemption does not take effect before the applicant has undertaken in writing to comply with the conditions imposed by the municipality, however, if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses.

- (4) If any condition of an exemption is not complied with, the exemption lapses immediately.

12. Liaison forums in community

- (1) The municipality may establish one or more liaison forums in a community for the purposes of obtaining community participation with regard to the matters dealt with in this by-law.
- (2) A liaison forum may consist of—
- (a) a number of members of an interest group, or an affected person;
 - (b) a designated official or officials of the municipality; and
 - (c) a councillor.
- (3) (a) The municipality may, when considering an application for consent, permit or exemption in terms of this by-law, request the input of a liaison forum.
- (b) A liaison forum or any person may on own initiative submit an input to the municipality for consideration.

13. Offences and Penalties

- (1) Any persons who fails to comply with the provisions of this by-law commits an offence and shall upon conviction be liable to a fine or imprisonment if found guilty.

14. Repeal

Makhado Local Municipality fences and fencing by-laws which was promulgated before the establishment of this municipality in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) is hereby repealed.

15. Short title and commencement

This by-laws is called Makhado Local Municipality: Fences and Fencing By-Laws and shall come into operation on the date of publication thereof in the *provincial gazette*.

LOCAL AUTHORITY NOTICE 184



MAKHADO MUNICIPALITY

COMMONAGE BY-LAWS

The Municipal Manager of Makhado Local Municipality hereby in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) publishes commonage by-laws for the municipality as approved by its council, as set out hereunder.

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21. Short title and commencement

1. Definitions

“commonage” means that part of property owned by or under control of the municipality, which the municipality may set aside for grazing;

“municipality” means the Makhado Municipality and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“prescribed” means prescribed by the municipality;

2. Purpose of by-law

- (1) The purpose of this law is to provide for the control and administration of animals accommodated on a commonage established by the municipality.

3. Establishment of camps for grazing

- (1) The municipality may reserve and fence off such portion of the commonage as may be deemed desirable, and establish camps for the grazing of the stock of the residents.
- (2) The municipality may set apart portions of the commonage for the grazing of small stock and large stock.
- (3) The municipality may erect paddocks or enclosures for animals of residents on such part of the commonage as it may deem necessary.

4. Closing of camps

- (1) The municipality may, whenever it deems it necessary for a purpose such as, but not limited to, maintenance or allowing a meadow to regenerate grass growth, close and reserve the grazing of a camp on the commonage, during certain periods of the year.

- (2) No person may allow an animal to graze in a camp which has been closed by the municipality for whatever purpose or reason.
- (3) The municipality may impound an animal found in a camp which has been closed in terms of subsection (1).

5. Approval to graze animals

- (1) No person may keep or depasture any animal in a camp on a commonage without first having obtained approval from the municipality.
- (2) A person who wishes to obtain approval, must submit the application form obtainable from the municipality which may, after considering the following factors, grant approval:
 - (a) the total number of animals already accommodated in the camps;
 - (b) the number of animals, and the kind of animal, which one wishes to have accommodated in a camp;
 - (c) the condition of the meadows (pastures), and if any further animals can be accommodated; and
 - (d) any other factor which the municipality deems necessary.
- (3) The right of depasturing is personal only and no person is entitled to transfer or cede the right to another.

6. Confinement of stock to camps

- (1) A person depasturing on commonage must confine it to the camp set apart by the municipality.

7. Numbers and condition of animals

- (1) The municipality may determine the numbers and kinds of animals that may be accommodated on the commonage by a person.
- (2) A person keeping an animal on the commonage must ensure that the animal is in a healthy condition.
- (3) The municipality may require from a person keeping or applying to keep an animal on the commonage to file with the municipality a sworn declaration as to the ownership and condition of the animal.
- (4) A person who-

- (a) keeps more than the determined number of animals as contemplated in subsection (1) on a commonage;
- (b) who fails to keep an animal in a healthy condition as contemplated in subsection (2);
- (c) fails to file a declaration as contemplated in subsection (3); or
- (d) provides false information to the municipality, commits an offence.

8. Branding of stock

- (1) A person who depastures any stock on the commonage must register with the municipality a distinctive brand for large stock and a distinctive brand for small stock which must be approved by the municipality.
- (2) All stock must bear such registered brand at all times.
- (3) Stock found on the commonage without such distinct brand, may forthwith be impounded by the municipality.
- (4) A person may not register stock belonging to another person.
- (5) The municipality may keep a register of all brands registered in terms of subsection (1).

9. Grazing fees

- (1) The municipality may determine grazing fees that must be paid to the municipality.
- (2) Should a person fail to pay a grazing fee, the municipality may take such measures as provided for in its Credit Control and Debt Collection By-law.

10. Infected or contagious animals

- (1) No person may graze, bring or leave any stock suffering from or suspected of being infected with any contagious or infectious disease, on the commonage.
- (2) Any stock found on the commonage suspected of being infected with any contagious or infectious disease must, at the cost of the owner, be inspected by a veterinary surgeon and if the person finds that the

disease is contagious or infectious, the person may cause such stock to be isolated or destroyed.

11. Carcasses of animals

- (1) The owner of an animal which has died on the commonage, must immediately cause the carcass of such animal to be buried, and should the owner fail to do so, the municipality may bury the carcass of such animal and claim the expenses for such burial from the owner.

12. Erection of structures or shelters

- (1) No person may, for whatever purpose, erect any structure or shelter of whatever kind on the commonage.
- (2) The municipality may demolish any such structure or shelter, and the municipality may claim the costs of such demolition from the person responsible for the erection of such structure or shelter.

13. Draught animals

- (1) A person who, during a break in a journey and for the purpose of allowing an animal to graze, unharnesses the animal, may do so on a site on the town lands set apart for that purpose only.
- (2)
 - (a) A person contemplated in subsection (1) is allowed free grazing and water for the draught animal for 36 hours only, reckoned from the time the person breaks the journey.
 - (b) In addition to the period allowed in paragraph (a), the municipality may, if satisfied on application of the necessity thereof, grant a permit for a further period not exceeding 48 hours to such person upon payment to the Council in advance of the prescribed fee.
 - (c) Upon the expiration of the period allowed under paragraph (a) or of the additional period granted under paragraph (b), an animal of such person found on any part of the town lands may be impounded by an authorised official.

- (2) A person in good faith visiting, travelling through, or bringing produce into the municipal area is allowed to depasture necessary draught animals on a site on town land as contemplated in subsection (1) for a period of not more than 36 hours, and upon the expiration of such period, must obtain from the Council a permit to further so keep the animal, and pay to the council in advance the prescribed fee, and such permit shall in no case be for a longer period than seven days, after the expiration of which the animal of such person found on the town lands may be impounded by an authorised official.
- (3) A person passing through the town lands with an animal contemplated in subsection (3) must keep such animal along and within 30 metres of the edge of a public road, and such animal must be under the care and supervision of a sufficient and competent herdsman.
- (4) Where a person has to acquire a permit as contemplated in subsection 2(b) or (3), the person must complete and submit the prescribed form and pay the prescribed fee, and the permit may be granted subject to such conditions as the municipality may found to be necessary under the circumstances.
- (5) The permit serves as proof of payment of any fee.
- (6) A person who supplies false information or who fails to comply with conditions imposed in a permit, commits an offence.
- (7) A person who fails to obtain a permit after the expiry of 36 hours as contemplated in subsection (2) (b) or (3) commits and offence.
- (8) The owner or person who is found guilty of a contravention of this section is, in addition to the fine imposed, responsible for all the costs incurred and damages sustained by the municipality, and such costs and damages may be recovered

by the municipality in terms of the Credit Control and Debt Collection By-laws.

14. Driving of loose cattle

- (1) No person may drive or cause to be driven loose cattle within an area bounded as specified in item 1 of the schedule, which schedule refers, except where cattle are stalled within the area so bounded and required to be driven to and from the grazing grounds.
- (2) A person driving loose cattle to or from the Council's abattoirs must observe the routes set out in item 2 of the schedule.
- (3) No person may drive or cause or allow to be driven livestock at any time through a street in which the driving of livestock is permitted, unless such stock is accompanied by the following attendants.
 - (a) for the first 20 or portion thereof of large stock: 2 attendants; and
 - (b) for each additional 20 or portion thereof of large stock: 1 attendant;
 - (c) for the first 50 or portion thereof of small stock: 2 attendants; and
 - (d) for each additional 50, or portion thereof of small stock: 1 attendant.

15. Exemptions

- (1) Any person may by means of a written application, in which the reasons are given in full, apply to the municipality for exemption from any provision of these by-laws.
- (2) The municipality may –
 - a) grant an exemption in writing and the conditions in terms of which, if any, any the period for which such exemption is granted must be stipulated therein;
 - b) alter or cancel any exemption or condition in an exemption; or
 - c) refuse to grant an exemption.
- (3) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the

municipality under subsection (2), however, if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses.

- (4) If any condition of an exemption is not complied with, the exemption lapses immediately.

16. Liaison forums in community

- (1) The municipality may 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;
 - b) encouraging a local community to participate in the affairs of the municipality; and
 - c) promoting the achievement of a properly controlled and administered commonage.
- (2) A liaison forum may consist of –
- a) a member or members of an interest group, or an affected person;
 - b) a member or members of a community in whose immediate area a commonage has been established;
 - c) a designated official or officials of the municipality; and
 - d) a councillor.
- (3) a) The municipality may, when considering an application for an approval, or exemption certificate in terms of these by-laws, request the input of a liaison forum.
- b) A liaison forum or any person or persons contemplated in subsection (2) may, on own initiative give an input to the municipality for consideration.

17. Notice of contravention

- (1) The Council may serve a notice of contravention on a person who has committed an offence in terms of these By-laws.
- (2) A notice of contravention must-

- (a) specify, at the time when the notice is issued, the name and residential and postal address, if either or both of these be known, of the person on whom the notice is served;
- (b) state the particulars of the contravention;
- (c) specify the amount of the penalty payable in respect of that contravention and the place where the penalty may be paid; and
- (d) inform the person that the person must-
 - (i) within 28 calendar days of the date of service of the notice, pay the penalty; or
 - (ii) within 7 calendar days of the notice, inform Council in writing that he or she elects to be tried in court on a charge of having committed an offence.

18. Appeal

- (1) A person whose rights are effected 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) The municipal manager must commence with an appeal within six weeks of lodgement of the appeal and decide the appeal within a reasonable time.

19. Penalties

A person who or organization who contravenes any provision or fails to comply with any provision of this by-law commits an offence and shall on conviction be liable to-

- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and imprisonment; and

- (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
- (c) a further amount equal to any costs and expenses found by the court to have been incurred by Council as result of such contravention or failure.

20. Repeal of by-laws

- (1) By-laws on commonage previously made by the Council or its constituent Predecessors in respect of any portion of the area of the Makhado Municipality, are hereby repealed in so far as they are inconsistent with the provisions of these By-laws.

21. Short title and commencement

This by-law is called Makhado Local Municipality: Commonage By-law and shall come into operation on the date of publication thereof in the *Provincial Gazette*.

Schedule

(Section 14 (1) and (2))

BOUNDED AREAS (SECTION 14(1)) AND ROUTES (SECTION 14 (2))

1. Bounded Areas

(Section 14 (1))

2. Routes

(Section 14 (2))

LOCAL AUTHORITY NOTICE 185



MAKHADO MUNICIPALITY

AERODROME BY-LAWS

The Municipal Manager of Makhado Local Municipality hereby in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) publishes aerodrome by-law for the municipality as approved by its council, as set out hereunder.

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1. Definitions

In these by-laws, unless the context otherwise indicates –

"Air Navigation Regulations" means the Air Navigation Regulations, 1963, published under Government Notice R. 1779, dated 15th November 1963 as amended from time to time, or any regulations by which the same have been duly replaced;

"aerodrome" means the aerodrome known as the Makhado Municipal Aerodrome;

"Council" means the Council of the Makhado Municipality and includes any duly authorized political structure or political office bearer as defined in the Local Government: Municipal Structures Act, 1998 or official thereof;

"Municipality" means the Makhado Local Municipality and includes the Council;

"Official in charge" means an employee of the municipality for the time being in charge of the aerodrome and includes any other person who is authorized to act on the persons behalf;

"landing field" means the area comprising the runways and other prepared ways for the passage of aircraft on the ground, aprons and all the land surrounding that area enclosed by a fence;

"maximum permissible weight" in relation to an aircraft means its weight as authorized by its certificate of airworthiness;

"public enclosures" means demarcated areas within the aerodrome set aside by the Council from time to time for use by members of the public other than persons flying in aircraft, and for the parking of vehicles;

"runway" means a defined rectangular area prepared or constructed for the landing and take-off run of aircraft along its length;

"**taxiway**" means a defined path on the aerodrome for the use of taxiing aircraft whether such path is constructed or not.

2. Purpose

- (1) To control all aerodromes within the jurisdiction of Makhado Local Municipality.

3. Application of By-laws

- (1) These by-laws apply to all aerodromes under control of the Makhado Municipal Council.

4. Regulations of Aviation Act, 1962 applicable

- (1) These by-laws must be read with, and the application thereof is subject to the Aviation Act, 1962 (Act No 74 of 1962), as amended, and any regulations made there under, and nothing in these by-laws must be taken as purporting to contradict or derogate from the control of the aerodrome in accordance with the Aviation Act, 1962 Act and regulations

5. Aerodrome hours

- (1) The aerodrome is open for use daily during such hours as may from time to time be determined by Council.

6. Arrivals and departure of aircraft

- (1) Immediately upon landing and before taking-off from the aerodrome, the pilot of the aircraft concerned must report to the Official in charge and furnish the official in charge with all information reasonably required by the official in charge and

shall, if requested to do so, complete an arrival or departure form, as the case may be.

- (2) The pilot and every other person for the time being in charge or control of an aircraft must ensure that adequate precautions have been taken to keep unauthorized persons at a safe distance from all aircraft before any of its engines is started and while any engine is running.
- (3) In the absence of any agreement to the contrary made with the Official in charge, in writing, all charges due in respect of all aircraft in terms of the tariff of charges set out in the Schedule hereto, must be paid by or on behalf of its operator before the aircraft departs from the aerodrome.

7. Access to landing field

- (1) No person may enter or be on the landing field except the following:
 - (a) pilots and crew of aircraft based at or using the aerodrome in the course of their duties connected with the aircraft;
 - (b) technical, mechanical and servicing personnel going to or from aircraft in pursuance of their official duties connected therewith;
 - (c) pupil pilots going to or from aircraft for purposes of instruction or practice;
 - (d) members of the aerodrome's ground staff on duty, and other aerodrome officials authorized by the official in charge;
 - (e) aircraft passengers, as long as they are passing directly between their aircraft and the public enclosures, or otherwise moving under the directions of the official in charge or the staff; and

- (f) any person not previously specified in this section having express authority from the official in charge to enter the landing field.

8. Regulation or prohibition of vehicular traffic and pedestrians

- (1) Motor cars and other vehicles may, in the absence of any special direction given by the official in charge, only be parked in areas designated for that purpose by notices and within any lines which may be marked on the surface of any such area or as directed by the official in charge or the nominee of the official in charge, however this subsection does not apply to any officer of the Council employed at the aerodrome while acting in the course of official duties.
- (2) The Official in charge may at any time without previous notice, and either permanently or for such period as the official in charge may determine, prohibit or restrict in such manner as the official in charge may deem necessary the admission of persons or vehicles to the aerodrome or any particular part thereof.
- (3) The official in charge may, if necessary for the proper control of the aerodrome, direct the person in lawful charge of a vehicle which is parked on the aerodrome to move the vehicle –
 - (a) to another place on the aerodrome indicated by the official in charge; or
 - (b) from the aerodrome;and if such person refuses or fails or is not present to comply forthwith such direction the official in charge or a member of the police may have that vehicle moved to such other place or from the aerodrome and any such action by the official in charge or a member of the police does not exempt such person from prosecution in respect of such refusal or failure.

- (4) Motor vehicles may not be driven on the taxiways and runways without special permission from the official in charge.
- (5) Pedestrians and persons in vehicles at the aerodrome are subject to the supervision of the official in charge and must obey such directions with regard to their movements as the official in charge considers necessary to give in the interests of safety or the good management of the aerodrome.
- (6) No person under the age of fourteen years, not being an authorized passenger in an aircraft, may enter the aerodrome unless accompanied by and under the supervision of an adult person.
- (7) The Official in charge has the right to remove from the aerodrome any unaccompanied person under the age of fourteen years, not being an authorized passenger in an aircraft, and to require the removal therefrom by the adult in charge of any person under the age of fourteen years whose conduct is, in the opinion of the official in charge, prejudicial to the amenities and proper management of the aerodrome.

9. General Conduct of Persons

- (1) It shall be a contravention of these by-laws to do any of the following acts within or on the boundary of the aerodrome –
 - (a) to place or affix any placard or notice without the prior written consent of the official in charge;
 - (b) to climb any tree, building or other structure;
 - (c) to uproot or injure any tree or plant or pick any flower;

- (d) to light or in any other manner cause a fire, or smoke or bring an open flame into –
 - (i) any place where such act is prohibited by a notice displayed on the direction or with the permission of the official in charge; or
 - (ii) any place within 16m of an aircraft or of any vehicle used for the supply of fuel to an aircraft or a store or dump of liquid fuel or explosives;
- (e) to tamper or interfere with any fuel hose reel, hydrant or any other item or equipment provided solely for fire-fighting purposes, or in the event of a fire, to interfere with or take part in any rescue or fire fighting operation, unless been asked to do so by the official in charge of the such operation;
- (f) to discharge any firearm or air gun or set of any firework, or use a catapult or to throw any stone or other object;
- (g) to affix or distribute any pamphlet, book handbill or other printed matter or other article without the written consent of the Official in charge previously obtained;
- (h) to enter any public convenience marked as being reserved for persons of the opposite sex;
- (i) to enter any building or place in disregard of a notice prohibiting such entry;
- (J) to play any musical instrument, operate any sound reproducing device, sing or make any speech without the written consent of the official in charge previously obtained;

- (k) to cause any obstruction, disturbance or nuisance or commit any act causing annoyance to other persons using the aerodrome or lawfully present thereat;
 - (l) to enter or leave the aerodrome or any part thereof except by means of entrances or exits marked as being provided for that purpose;
 - (m) to use a catapult or to throw any stone or other object;
 - (n) to bring into, or to allow any animal to enter the aerodrome unless it is kept on a leash or otherwise kept under control;
 - (o) to hinder, obstruct or in any other way interfere with any employee of the Council in the execution of any duty connected with aircraft;
 - (p) to fail to close any gate in any fence enclosing the landing field immediately after passing through it.
- (2) The official in charge shall have the right to impound any animal found within the aerodrome or to cause such animal, if injured or sick, to be removed or destroyed.

10. General Control of Aircraft and Pilots

- (1) The owners and pilots of aircraft making use of the aerodrome shall be jointly and severally responsible for any damage resulting to the aerodrome or any building, installation, structure, appliance or other property therein from-
- (a) the failure of the pilot or any other member of the crew of the aircraft to comply with these by-laws or the Air Navigation Regulations; or
 - (b) the commission by any such person or of any act of negligence.

- (2) The Official in charge shall be entitled to move any aircraft, vehicle or article or to do any other thing necessary to enforce compliance with these by-laws and the Air Navigation Regulations and neither the official in charge nor the Council shall be held liable for the consequences of any action properly taken in pursuance of the provisions of this section.
- (3) Aircraft shall be parked in accordance with directions given by the official in charge.
- (4) The person concerned with or responsible for the parking of an aircraft shall ensure that the aircraft is firmly secured to the ground when left unattended or during weather likely to cause the aircraft to move.
- (5) Neither the Council nor its officials shall be liable for any theft from or damage to an aircraft occurring while it is at the aerodrome and particularly nor for any damage occurring to such aircraft while being moved in or out of hangers, parked or moved from one position to another on the aerodrome.
- (6) No aircraft shall be left unattended within the landing area.
- (7) No engine of an aircraft shall be started unless there is a pilot or a competent engineer in the cockpit.
- (8) No engine may be run if the aircraft is in such a position that the resulting air stream blows into or against any building, aircraft or person and unless effective and properly constructed chocks are placed in front of its wheels whether or not they are fitted with brakes.

- (9) No chock, drum, loading step, trestle or other equipment or object capable of causing an obstruction may be left on the landing field except when its presence there is actually and immediately necessary.
- (10) The Official in charge or the representative may stop an aircraft, pilot or passenger from leaving the aerodrome on instructions from –
 - (a) the department of transport (Civil Aviation);
 - (b) the department of immigration;
 - (c) the department of customs and excise; or
 - (d) the South African police.

11. Removal of damaged or disabled aircraft

- (1) The operator of any damaged or disabled aircraft must, if directed to do so by the official in charge, move such aircraft or any part thereof or any cargo or thing carried therein to another place on the aerodrome indicated by the official in charge, or from the aerodrome.
- (2) If the operator of a damaged or disabled aircraft refuses or fails or is not present to comply forthwith with any direction given by the official in charge in terms of subsection (1), the official in charge may take all steps necessary to ensure that such direction is complied with as expeditiously and safely as possible and may recover from the operator of that aircraft the cost incurred in ensuring compliance with such direction and any such action by the official in charge does not exempt such operator from prosecution in respect of such refusal or failure.

12. Supply of fuel to Aircraft

- (1) No person may on the aerodrome supply fuel to any aircraft except at a place and in a manner approved by the official in charge.
- (2) The official in charge may make any approval granted by the official in charge in terms of subsection (1) subject to compliance with such conditions as the official in charge may consider necessary to impose in order to safeguard persons or property on the aerodrome and the official in charge may from time to time vary or add to any condition so imposed or withdraw the approval.
- (3) The supply of fuel is, notwithstanding the above, subject to the provisions of the Inflammable Liquids and Substances By-laws, 2004 as amended from time to time, applicable within the Makhado Municipality.

13. Persons or cargo carried in aircraft arriving from outside Republic

- (1) No person shall be allowed to disembark or unload cargo from aircraft arriving on the aerodrome from any point outside the Republic of South Africa until permission for such disembarkation or unloading has been granted by the Customs, Civil Aviation, South African Police Services, Immigration or Health Authorities or, if necessary, by all the aforesaid authorities.

14. Boarding or Tampering with Aircraft

- (1) Except with the permission of the person in lawful charge of an aircraft, no person shall on the aerodrome -
 - (a) board such aircraft; or
 - (b) tamper or interfere in any way whatsoever with such aircraft or anything used in connection therewith.

15. Use of Hangers

- (1) The hangers, buildings and other facilities on the aerodrome shall be under the control of the official in charge and the use thereof shall be subject to such conditions as the official in charge may impose from time to time.
- (2) Hangers may be erected only with the approval of council and upon termination of approval or whatever reason the hangers shall become the property of the Municipality without any compensation to the applicant.

16. Trading

- (1) No person shall engage in the sale of refreshments or in the sale or hire of any other commodity or in the rendering for reward or otherwise of any service within the boundaries of the aerodrome unless they have obtained a written permit to do so from the Council given under the hand of the Municipal Manager which permit may be subject to such conditions as the Council may determine provided that this section shall not apply to any canteen operated by an employer solely for the benefit of his employees.

17. Notice of contravention

- (1) Council may serve a notice of contravention on a person who committed an offence.
- (2) A notice of contravention must -

- (a) specify, at the time when the notice is issued, the name and residential and postal address, if either or both of these be known, of the person on whom the notice is served;
- (b) state the particulars of the contravention;
- (c) specify the amount of the penalty payable in respect of that contravention and the place where the penalty may be paid; and
- (d) inform the person on whom the notice was served that the officer may, within 28 calendar days of the date of service of the notice -
 - (i) pay the penalty; or
 - (ii) within 7 calendar days of the notice, inform Council in writing that they elects to be tried in court on a charge of having committed an offence.

18. Penalties

- (1) A person who contravenes any provision or fails to comply with any provision of this by-law commits an offence and shall on conviction be liable to-
 - (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and imprisonment; and
 - (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and

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

19. Repeal of by-laws

- (1) The Louis Trichardt Municipality: Aerodrome By laws, Notice 1344 of 29 August, 1973, is hereby repealed.

20. Short title

This by-law is called Makhado Local Municipality Aerodrome by-law.

SCHEDULE

The fees and charges set out in this Schedule must be paid in respect of the use of the aerodrome and the facilities provided thereat at the conclusion of such use unless other arrangements have been made with the Council. The registered owner of the aircraft at the time the service is rendered must pay all the applicable fees and charges.

