

TRANSVAAL LOCAL GOVERNMENT ORDINANCE NO. 17 OF 1939

Assented to: 15 November 1939

Date of commencement: 1 December 1939

ORDINANCE

To consolidate and amend the law relating to Municipal Government in this Province, and to provide for matters incidental thereto.

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2. Interpretation of terms

In this Ordinance unless inconsistent with the context-

Administrator shall mean the officer appointed under sub-section (1) of section sixty-eight of the South African Act, 1909, and any amendment thereof acting on the advice and with the consent of the Executive Committee of the Province;

Asiatic

author of a nuisance shall mean the person by whose act, default or sufferance the nuisance is caused, exists or is continued;

by-law shall mean a by-law in force in a municipality and any outside, area thereof made under this Ordinance or under the authority of any law;

close corporation means a corporation as defined in section 1 of the Close Corporation Act, 1984 (Act 69 of 1984);

coloured person

commencement of this Ordinance shall mean the date on which this Ordinance came into operation;

Governor-General shall mean the officer administering the Government of the Union of South Africa acting by and with the advice and consent of the Executive Council thereof;

health committee shall mean a committee constituted under and by virtue of the provisions of Chapter IX of this Ordinance;

local authority shall mean and include a town council or village council or health committee;

magistrate shall mean the magistrate of a magisterial district or subdistrict in which a municipality is situate, and in the case of a municipality situated within a portion of a magisterial district for which an additional magistrate has been appointed, the term "magistrate" shall include also such additional magistrate:

medical officer of health shall mean the person for the time being lawfully acting in the capacity either of medical officer of health or of assistant medical officer of health of the local authority;

member's interest means a member's interest as defined in section 1 of the Close Corporation Act, 1984;

Minister shall mean the Minister of Public Health of the Union;

Minister of Local Government

municipality shall mean the area or district placed under the control and jurisdiction of a town council or of a village council;

native

nuisance shall include, inter alia -

- (1) any premises or part thereof of such a construction or in such a state as to be offensive, injurious, or dangerous to health;
- (2) any street, stream, pool, lagoon, ditch, gutter, water-course, sink, cistern, water-closet, earth-closet, privy, urinal, cesspool, drain, sewer, waste-water receptacle, slop-tank, dung-pit, ash-bin, ash-pit or manure heap so foul or in such a state or so situated or constructed as to be a nuisance. offensive or to be injurious or dangerous to health;
- (3) any well or water supply injurious or dangerous to health;
- (4) any tank or cistern used for the supply of water for domestic purposes so placed, constructed or kept as to render the water therein liable to contamination, causing or likely to cause risk to health or facilitate the breeding of mosquitoes;

- (5) any stable, cowshed, animal kraal, fowl house, or premises in which any animal or animals or bird or birds are kept in such a manner or in such numbers as to be offensive, injurious, or dangerous to health;
- (6) any accumulation or deposit of refuse, offal, manure or other matter which is offensive, injurious, or dangerous to health, or any offensive matter, refuse, offal or manure lying or being within fifty yards of any street, or contained in uncovered trucks or wagons standing at or being at any station or siding or elsewhere on a railway so as to be offensive, injurious, or dangerous to health;
- (7) any work, manufacture, trade or business causing or giving rise to smells or effluvia which are offensive or which are injurious to the health of the neighbourhood or so conducted as to be offensive, injurious, or dangerous to health;
- (8)(a) any house or part of a house so overcrowded as to be injurious or dangerous to the health of the inmates, or in which there is not for each person simultaneously occupying the same, whether by night or day, at least 400 cubic feet space and 40 square feet of floor space; provided that this subsection shall not apply to the housing on mine compounds;
- (b) any occupied dwelling for which a proper, sufficient and wholesome water supply is not available within a reasonable distance as under the circumstances it is possible to obtain;
- (9) any school-house or any factory, workshop or workplace or portion thereof;
 - (a) which is not kept in a cleanly state and free from effluvia arising from any drain, privy, water-closet, earth-closet, urinal or other source of nuisance, or
 - (b) which is not ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust or other impurities generated in the course of the work carried on therein that are offensive, injurious, or dangerous to health, or
 - (c) in which the average proportion of carbonic acid in the air at about breathing level exceeds 10 volumes in 10,000 or, where gas or oil is used for lighting purposes, exceeds 18 volumes in 10,000, while such gas or oil is in actual use, or
 - (d) which is so overcrowded while work is carried on as to be injurious or dangerous to the health of those therein employed;
- (10) any chimney sending forth smoke in such quantity or in such a manner as to be offensive, injurious, or dangerous to health; .
- (11) any churchyard, cemetery or other place of burial so situated or so crowded or otherwise so conducted as to be offensive, injurious or dangerous to health;
- (12) any other condition whatever which is offensive, injurious, or dangerous to health, the generality of this provision not being limited by the particular matters provided in the preceding subsections:

Provided that-

- (a) a penalty shall not under any by-law or regulation be imposed on any person in respect of any accumulation or deposit necessary, for or arising out of the carrying on of any business trade or manufacture if the accumulation or deposit has not been kept longer than is necessary for the purposes of business. trade or manufacture, and all available means have been taken for preventing injury or danger thereby to the public health, provided that the said business is being lawfully carried out and is lawfully conducted at the premises in any locality; and
- (b) in considering whether any dwelling-house or part thereof which is also used as a factory or workshop or whether any factory or workshop used also as a dwelling-house is a nuisance by reason of overcrowding, regard shall be had to the circumstances of such other use.

occupier shall include any person in actual occupation of land or premises without regard to the title under which he occupies and in the case of premises sub-divided and let to lodgers or various tenants shall include the person receiving the rent payable by the lodgers or tenants whether on his own account or as agent for any person entitled thereto or interested therein;

outside area shall mean any land or interest in land held by a council for municipal purposes outside the municipality and not forming part of any other municipality;

owner shall include any person receiving the rent or profits of any land or premises from any tenant or occupier thereof, or who would receive such rents or profits if such land or premises were let, whether on his own account or as agent for any person entitled thereto or interested therein;

premises shall include any land, building, room, structure, tent, van, vehicle, stream, lake, dam, pool, lagoon, drain, ditch (open, covered or enclosed) whether built on or not and whether public or private;

Province shall mean the Province of Transvaal;

public place shall include any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, foot-path sidewalk, lane, square, open space, garden, park, enclosed space vested in a town or village council under section sixty-three of this Ordinance provided that for the purposes of by-laws regulating traffic under this Ordinance the expression "public place" includes any road, place or thoroughfare however created which is in the undisturbed use of the public or which the public have the right to use;

public resort includes a place of rest, holiday centre, holiday camp, caravan park, tent camp and picnic place;

public vehicle shall include any cab, cart, omnibus, jinricksha, trolley, lorry, motor vehicle and any other vehicle standing or plying for hire in any public place within the municipality or used or intended to be used for carrying passengers or goods or both for hire or reward;

registered midwife shall mean every person registered in terms of section twenty-nine of Act No. 13 of 1928 or any amendment thereof;

regulation shall mean a regulation made by the Administrator under this Ordinance and in force in the area of jurisdiction of any, local authority;

sanitary or health inspector shall mean and include any person for the time being lawfully acting in the capacity of sanitary inspector of the local authority;

special resolution shall mean a resolution passed by a majority of the number of councillors which a council shall have in terms of section 28 of the Municipal Elections Ordinance, 1970 (Ordinance 16 of 1970);

street includes any street, road or thoroughfare shown on the general plan of a township, agricultural holdings or other division of land or in respect of which the public have acquired a prescriptive or other right of way;

street trading shall include the hawking of newspapers, the taking of photographs with a view to sale, the distribution of hand-bills or other advertisements, shoe-blackening and any other like occupation carried on in public places and the sale of any articles whatsoever in public places; and

street trader shall include any person who engages in any such occupation so carried on, but shall not include a hawker or peddler as defined in Part 1 of the Second Schedule to the Licences Consolidation Act, 1925 or any amendment thereof;

town clerk or town treasurer shall mean the persons for the time being lawfully acting respectively in the capacities of town clerk and town treasurer for the municipality;

town council shall mean a council constituted under and by virtue of the provisions of Chapter 1 of this Ordinance, and shall include a city council that has been established by any other Ordinance, or a city council contemplated in section 9A;

town lands shall mean-

- (a) land vested in a local authority in terms of the Town Lands Ordinance, 1904 (Ordinance No. 14 of 1904), or land deemed to be a portion of land so vested and subject to the provision of that Ordinance in terms of any other law;
- (b) land owned by a local authority which was transferred to such local authority as town lands in terms of any law; or
- (c) any land received in exchange for land referred to in paragraph (a) or (b);

Townships Act

trailer shall mean a vehicle which is not self-propelled and is designed or adapted to be drawn by a motor vehicle but shall not include a sidecar attached to a motor cycle;

village council shall mean a council constituted under and by virtue of the provisions of Chapter VIII of this Ordinance.

3. **Application of Ordinance**

This Ordinance shall apply to every local authority constituted thereunder in the manner and to the extent prescribed therein.

73. Power to inspect wells, boreholes, tanks, and cisterns, and to close the same

The council may by its members, officers or servants inspect all wells, boreholes, tanks, and cisterns within the municipality the water wherein or wherefrom is used or likely to be used by man for drinking or domestic purposes, or for the manufacture of drinks for human consumption, or as an ingredient in the manufacture of any article intended for food for human consumption; and if, on any such inspection or on the representation of any person, it shall at any time appear that such water is so polluted as to be injurious to health or that any by-laws in respect thereof have not been complied with, the council shall call upon the owner or occupier of the premises to which the well, borehole, tank, or cistern belongs, forthwith to close or remedy the same and failing compliance with such notice the council may take proceedings before any competent court whether by way of summons or application; and on any proceedings against such person for such non-compliance or for breach of any by-law the court may, in the event of a conviction, make an order directing the well, borehole, tank, or cistern to be permanently or temporarily closed by such person or may make such other order as may appear requisite or necessary to prevent injury to the health of persons using the water therefrom, and may in addition sentence the person convicted to a fine not exceeding five pounds. The court may further, if it appear necessary, cause the water to be analysed at the cost of the council, and in making any such order, may further authorise the council, if the person on whom an order is made under this section fails to comply with the same within a period which the court deems reasonable, to do whatever may be necessary to execute such order, and all expenses incurred by the council may be recovered from the person on whom the order was made; provided that in the case of any such well, borehole, tank, or cistern being situated upon unoccupied ground within the municipality, the owner of which (or some person duly authorised to represent him) cannot after reasonable inquiry be found any such notice, summons, or other process aforesaid shall be deemed to be sufficiently served if affixed to such tank or cistern, or to any building, erection, post or board upon or in the immediate vicinity of such well, borehole, tank, or cistern.

74. Power to inspect water supply

The council may, by its members, officers, or servants at all reasonable times without notice, enter upon, inspect, and take samples from, or require information in respect of the condition and working of all catchment areas, rivers, and canals, springs, wells, boreholes, reservoirs, filter-beds, water purification or pumping works, or other sources of water supply, storage, or distribution situated within the municipality, the water wherein or wherefrom is used or is likely to be used by man within the municipality for drinking or domestic purposes.

75. Power of Council to close, cleanse, and demolish premises

- (1) Whenever it appears to the council or a committee thereof on the certificate of the medical officer of health (which certificate shall state fully the grounds and reasons on which it is based) that any premises are in consequence of defective or unsuitable construction or arrangement bad condition, want of light, air, or ventilation, or other reason, in a state so dangerous or injurious to health as to be unfit for human habitation or to constitute a danger to the health of the inhabitants of any neighbouring premises, the council may, after giving not less than seven days' notice in writing of its intention to the owner of such

premises and to the occupants (if any), apply to the magistrate's court having jurisdiction in the municipality, for an order closing such premises, and such court may upon such application make an order closing such premises and prohibiting the use and occupation thereof, until such time as it shall be satisfied that alterations have been made, whether by removal or reconstruction of any building or otherwise, so as to prevent any such danger aforesaid resulting from the occupation of such premises, and such court may thereafter on being so satisfied on the application of the owner of such premises, withdraw such order as to the whole or any part of such premises, provided that, before making such application, the owner of such premises shall give not less than forty-eight hours' notice in writing to the council of his intention to make the same.

- (2) The magistrate's court having jurisdiction in the municipality may on the application of the council, without notice to the owner, summarily order the closing and prohibit the use, occupation of, and entry into any premises on which bubonic plague infection in man or animals is certified by the medical officer of health to exist.

The provisions of the last preceding sub-section relating to the withdrawal of a closing order shall *mutatis mutandis* apply in the case of any order made under this sub-section.

- (3)(a) Where a closing order has been made in respect of any premises, the council shall forthwith cause a copy of such order to be affixed in a conspicuous position on the premises.

- (b) Any person who shall use or occupy any premises the use and occupation of which have been prohibited by any closing order, during the time that such order remains in force, shall be liable to a fine not exceeding ten pounds, and to a further fine not exceeding two pounds for every day during which such use or occupation continues; provided that, after the affixing of a copy of such order in the manner aforesaid, forty-eight hours' grace or such longer time as the council may determine shall be allowed to any person occupying the premises at the date when the copy of such order was so affixed, before such order is enforced against such person.

- (4) The magistrate's court having jurisdiction in the municipality may upon application by the council order the cleansing and disinfecting of any premises in respect of which a closing order has been or may be made under this section, and shall by such order specify a time within which such cleaning or disinfecting shall be carried out; and, in default of full compliance with any such order, the council may enter upon any such premises and do all things necessary for completely executing the order, and may recover by action in a competent court the costs and expenses of and incidental to its execution from the person against whom the order has been made. Any such order may be made upon the owner or on the occupier of the said premises.

- (5)(a) When a closing order in respect of any premises has remained operative for a period of three months the council may after giving not less than fourteen days' notice in writing of its intention to the owner of such premises apply to the magistrate's court having jurisdiction within the municipality for an order authorising the demolition of such premises, and such court, if satisfied at the hearing of the application that alterations have not been made so as to prevent any such danger or injury as is mentioned in sub-section (1) resulting from the occupation of such premises and that the necessary steps are not being taken with all due diligence to make such alterations, or that the continuance of any building being or being part of such premises is a nuisance or dangerous or injurious to the health of the public or of the inhabitants of the neighbouring premises shall make an order

authorising the council to demolish the building, provided that the court may, if it shall think fit, postpone the operation of the order for such time not exceeding six months as it thinks sufficient to give the owner an opportunity of making the necessary alterations.

- (b) The council may recover from the owner of any premises the cost of demolishing such premises in pursuance of an order made under this section.
- (6)(a) Any notice required by this section to be given to any person may be served by delivering the same to, or at the residence or place of business of, the person to whom it is addressed or may be served by registered letter by post on such person.
- (b) When the owner of any premises to whom notice is required to be given under this section does not reside or carry on business within the municipality or cannot after reasonable inquiry be found therein, such notice shall be deemed to be sufficiently given to such owner if affixed to the premises to which the same relates.

76. **Penalty for insanitary yards, etc.**

If any yard or sanitary convenience within the municipality used in common by the occupiers of two or more separate dwelling-houses, or by different tenants of the same building, or by other persons, or the approaches to, or the walls, floors, seats, or fittings of such sanitary convenience is or are, in the opinion of the medical officer of health or of any sanitary inspector, in such a condition as to be a nuisance or annoyance or a danger to health for want of proper cleansing thereof, such of the persons having use thereof, in common as aforesaid, as may be in default, or in the absence of proof as to which of the persons having use thereof in common is in default then each of those persons shall be liable to a penalty not exceeding five pounds and any of those persons who fails to comply with a notice served upon him by the council calling upon him to remedy the condition of such yard or sanitary convenience shall further be liable to a penalty not exceeding ten shillings for each day during which such condition shall continue after service of such notice.

79. **General powers**

The council may do all or any of the following things, namely-

- (1)(a) make, construct alter, keep clean and in repair the roads, streets, squares and open spaces, dams, canals, reservoirs, water-courses, furrows, ferries, culverts, and bridges vested in the council under section 63 hereof or situated or to be situated on land of which the council is the owner;
- (b) make, construct, alter, keep clean and in repair sub-ways or overhead bridges and alter gradients of roads and streets vested in the council under section 63;
- (2)(a) establish, maintain and carry out sanitary services for the removal, destruction or disposal of night-soil, urine, slops, rubbish, carcasses of animals, any refuse or anything of whatever nature which the council on reasonable grounds suspects to have been abandoned, and levy such charges for such services as the council may from time to time determine;
- (b) establish, maintain and carry out such services for the removal and treatment of fresh or decomposing animal manure and make such charges therefor and sell within or outside its

area of jurisdiction any animal manure so removed and treated when completely decomposed at such rates as the council may from time to time determine;

- (c) make advances under such conditions as may be approved by the council to any owner of land of money or material for the purpose of enabling him to install on his premises the system known as the vacuum tank system of night-soil and slop removals or any other like system approved by the council on the recommendation of the medical officer of health.

The provisions of sub-sections (2) to (5) of section 142 hereof shall *mutatis mutandis* apply to any advances made under this paragraph.

- (3)(a) establish and maintain cemeteries and make charges in connection therewith and compel the burial of dead bodies in a proper burial ground or cemetery within or outside the municipality, and take over control and maintain any existing cemetery or burial ground, and close for burial purposes any church, municipal, private or other cemetery or burial ground or any portion thereof within the municipality, provided that no such closing shall take place until a resolution stating the council's intention to effect such closing has been passed by a majority of two-thirds of the councillors at the time in office, and has been published in the Provincial Gazette and in one or more newspapers circulating in the municipality at least one week prior to such closing;
- (b) set apart separate portions of any cemetery established by the council or established separate cemeteries for the burial therein of persons of different religious denominations;
- (4) establish and maintain a building or other structure for any municipal requirement or purpose authorised by this Ordinance or any other law;
- (4)bis establish and maintain a parking garage or area for vehicles, employ persons for the purpose of such establishment and maintenance and let such garage or area in the interest of the council or the inhabitants of the municipality;
- (4)ter provide in any building contemplated in subsection (4) or (4)bis such business or office accommodation as may, in the opinion of the council, be let in the interest of the council or the inhabitants of the municipality;
- (5) plant, trim, or remove trees in or on any public place;
- (6) establish, equip, maintain and carry on within or outside the municipality afforestation works for the production and disposal of timber whether within or outside the municipality, and do all things necessary in connection therewith;
- (7) light public places and erect and maintain lamps for that purpose;
- (8) establish, maintain and carry on parks, recreation ground and camping sites and make such charges in connection therewith as the council may from time to time determine: Provided that where a council has determined charges in connection with parks, recreation grounds or camping sites, that council may exempt any person or any class or category of persons not based on race or colour from the payment of such charges;
- (8A) establish, maintain and carry on public swimming-baths and make charges in connection therewith;

- (9) provide, erect, establish, maintain, control and carry on in, on, at or in connection with any park, recreation grounds or camping site established in terms of subsection (8) or public swimming bath established in terms of subsection (8A)-
- (a) any apparatus or other facility for any game, sport, recreation or cultural activity for which such park, recreation grounds, camping site or public swimming bath is used;
- (b) aquariums, piers, pavilions, dressing rooms, lavatories or other conveniences, structures or buildings which, in the opinion of the council, are necessary or expedient for the purposes for which such park, recreation grounds, camping site or swimming bath is used.

and the council may-

- (i) from time to time determine the charges to be made for the use thereof,
- (ii) let it, any portion thereof or any rights therein to any person or any club or other body of persons and authorise such person, club or body to make charges in connection therewith;
- (iii)

(9)bis grant a loan to any sports club: Provided that a council, other than a council referred to in Part I or II of the Sixth Schedule to this Ordinance, shall not grant such loan without the prior written approval of the Administrator, and the Administrator may grant such approval subject to such terms and conditions as he may determine;

(10) notwithstanding anything to the contrary contained in this Ordinance, but subject to the approval of the Administrator, let or grant the use of any park, recreation grounds, camping site or public swimming bath contemplated in subsection (9), including any building, structure or facility appurtenant thereto, or any part of such park, grounds or site, subject to such terms and conditions as the council may determine, on a permanent, regular or other fixed basis-

- (a) to any school, sports club, person or body of persons to be used exclusively for games, sport, recreation or cultural activities, and to authorise such school, club, person or body to make charges for the admission to such park, recreation grounds, camping site or swimming bath;
- (b) to any sports club, person or body of persons for the purpose of gain but to be used exclusively for games, sport, recreation or cultural activities, and to authorise such club, person or body to develop or otherwise improve such park, recreation grounds, camping site or any part thereof or such swimming bath at the expense of the club, person or body by providing, erecting, establishing or maintaining any apparatus or other facility, including aquariums, piers, pavilions, dressing rooms or other buildings or structure, which, in the opinion of the council, is necessary or expedient for the purpose of such games, sport, recreation or activities:

Provided that-

- (i) where a council proposes to let or grant the use of such park, recreation grounds, camping site or swimming bath or any building, structure or facility appurtenant thereto for a period of ten years or more, the council shall cause a notice of the resolution to that effect to be-
- (aa) affixed to the public notice board of the council; and
- (bb) published in a newspaper in accordance with section 91 of the Republic of South Africa Constitution Act 1983 (Act 110 of 1983),

- in which any person who wishes to object to the proposed letting or granting is called upon to lodge his objection in writing with the council within a stated period of not less than fourteen days from the date of the publication of the notice in the newspaper;
- (ii) the approval of the Administrator shall not be required
 - (aa) where a council lets or grants the use of such park, recreation grounds, camping site or part thereof or such swimming bath, building structure or facility for a period of less than ten years;
 - (bb) where subparagraph (i) applies and no objection has, in terms of that subparagraph been received or where such an objection has been received, the objection has, in the case of a council referred to in Part I or II of the Sixth Schedule to this Ordinance, been considered by the council;
 - (iii) where the Administrator is of the opinion that a school, sports club, person or body of persons to whom or which the use of such park, recreation grounds, camping site or part thereof or such swimming bath, building, structure or facility has been let or granted, withholds in an unreasonable manner the use thereof from any other person or body, the Administrator may, with effect from a date determined by him, which date may be a date in the past terminate the agreement concerned. whether such agreement was concluded before or after the commencement of section 9(1)(d) of the Local Government Amendment Ordinance, 1985;
- (11) set apart any such portion of any recreation ground established by the council as may be fixed by the council and described in a notice set up in some conspicuous position in such recreation ground for the purpose of any particular game or recreation and to exclude the public from the part so set apart while it is in actual use for that purpose;
- (12) for any park, recreation grounds or camping site established in terms of subsection (8) or any public swimming bath established in terms of subsection (8A) provide any apparatus or other facility for games and recreation and make charges for the use thereof or authorise any person or any club or other body of persons to provide such apparatus or facility on such terms and conditions as the council may determine;
- (13) provide and maintain refreshment rooms, cafés and restaurants in any recreation ground established by the council and in any botanical or zoological garden and at any public swimming-bath and at any public bath established under sub-section (43) hereof and either manage such refreshment rooms, cafes or restaurants itself or let the same to any person, club or other body of persons on such terms as the council may decide;
- (13A) establish, maintain and carry on a public resort;
- (14)(a) establish, erect, maintain, regulate and carry on markets and make provision in connection therewith for such facilities and amenities as the council may deem expedient and all revenue and expenditure directly related to the establishment, erection, maintenance, regulation and carrying on of any such market and the facilities and amenities in connection therewith, shall be kept in a separate account and any net surplus in such account shall not, without the prior consent of the Administrator, be used for any purpose which is not related to such market:
- (b) prohibit any person from establishing a market within its area of jurisdiction: Provided that the Administrator may, after consultation with the council concerned, grant permission to any person to establish, erect, maintain, regulate and carry on a market within the area of jurisdiction of such council subject to such conditions as the Administrator may determine and to any by-law of the council;

- (c) subject to the approval of the Administrator and to such conditions as he may deem fit to impose and notwithstanding anything to the contrary contained in sub-section (1 8), let any market referred to in paragraph (a);
 - (d) subject to the approval of the Administrator, close any market referred to in paragraph (a) if the Administrator is satisfied that sufficient notice, in accordance with directions issued by him, has been given of the council's intention to close the market;
 - (e) reserve any section of its market premises for the purpose of out of hand sales and for that purposes let tables, stalls or areas to persons in such section or issue permits for use in connection therewith and prescribe charges therefor: Provided that such lease or permit shall be for a period not exceeding one year at a time;
 - (f) with the approval of the Administrator, establish, erect, equip, maintain, regulate and carry on buildings, depots or premises whether or not in conjunction with any market referred to in paragraph (a) for the sale by the council of articles and produce by retail and may for such purpose purchase articles and produce upon any market or elsewhere; and (9).....
- (15) make a grantor donation-
- (a)
 - (b) to-
 - (i) the Transvaal Municipal Association or any other similar municipal association approved by the Administrator; or
 - (ii) any other association which, in the opinion of the Administrator, promotes local government and which is constituted from management committees or consultative committees established in terms of section 2 (1) of the Local Government (Extension of Powers) Ordinance, 1962 (Ordinance 22 of 1962),
- in respect of membership fees or in respect of such other purposes and on such conditions as the Administrator may determine;
- (c) to a medical aid fund for municipal employees if the Administrator has exempted such council from the provisions of section 79bis (3);
 - (d) in respect of or any national or public cause, exhibition, organisation or institution which, is in the interest of the council or the inhabitants of the municipality;
 - (e) to any other fund, institution, society or organisation within the Republic which, has been established for the benefit and in the interests of the blind, deaf, dumb, aged, destitute, sick, infirm, orphaned, alcoholic or other mentally or physically unfit persons;
 - (f) to a town council or village council established in terms of section 2 of the Black Local Authorities Act, 1982 (Act 102 of 1982);
 - (g) to a management committee or consultative committee contemplated in paragraph (b) (ii);
 - (h) to the State,

- (i) to another local authority;
- (16)(a) make a grant or donation, including the donation of land subject to the provisions of subsection (17), to an institution, organisation, society or club in the Province which-
 - (i) promotes public health, including the nursing of the sick;
 - (ii) is registered as a welfare organisation;
 - (iii) promotes education, science or literature;
 - (iv) promotes sport and recreation;
 - (v) promotes art and culture, including music, opera and drama;
 - (vi) controls or maintains a museum, zoological garden, botanical garden, public library or art gallery;
 - (vii) acts in the interest of the youth of promotes child care; is connected with any shooting competition;
 - (viii) is connected with any shooting competition;
 - (ix) promotes the safety and protection of the public;
 - (x) is connected with agriculture, horticulture, stock-breeding or poultry; or
 - (xi) promotes the training or protection of animals,

where such grant or donation would, in the opinion of the council, be in the interest of the council or the inhabitants of the municipality: Provided that such grant or donation shall not be made to an institution, organisation, society or club where any person, who is concerned with the administration thereof or whose property it is, makes any profit or gain therefrom other than reasonable remuneration, rent or out-of-pocket expenses;

- (b) grant a loan to an institution, organisation, society or club which acts in the Province in the interest of the youth;
- (c) from time to time render any municipal service free of charge or at a reduced rate to an institution, organisation, society or club referred to in paragraph (a) or (b);
- (d) make grants-in-aid or, subject to the provisions of subsection (17), donate land to-
 - (i) a university or university college or other institution of higher education established in the Province by or under any law;
 - (ii) a school maintained, managed and controlled in the Province by a department of State, including the Provincial Administration; or
 - (iii) a school controlled or aided in the Province by the Provincial Administration in terms of the provisions of the Education Ordinance, 1953 (Ordinance 29 of 1953);
- (e) award bursaries-
 - (i) to enable persons to study at a university, university college, an educational institution or a school contemplated in paragraph (d), any other university established in the Republic in terms of any law or a correspondence college registered in terms of the Correspondence Colleges Act 1965 (Act 59 of 1965); or
 - (ii) to enable officers of the council to follow a training course presented by the Institute of Town Clerks for Southern Africa or by a similar institute or body approved by the Administrator;

- (f) make a grant to an officer of the council who, by virtue of a condition of service, attends a technical course or undergoes vocational training at a technicon or similar institution and passes or completes such course or training with distinction;
- (16A) pay a reward to any person who furnishes information leading to the detection of any other person who has stolen or wrongfully damaged any property of the council;
- (17)(a) subject to the provisions of this subsection, donate land to-
 - (i) a commando as defused in section 1 of the Defense Act, 1957 (Act 44 of 1957);
 - (ii)
 - (iii) the Provincial Administration of Transvaal;
 - (iv) a town council or village council established in terms of section 2 of the Black Local Authorities Act, 1982;
 - (v) a management committee or consultative committee contemplated in subsection (15) (b) (ii);
 - (vi) the State;
 - (vii) another local authority;
- (b) Whenever the council proposes to donate land in terms of subsection (16) or paragraph (a), it shall cause a notice of the resolution to that effect to be affixed to the public notice-board of the council and to be published in a newspaper as contemplated in section I 10 of the Republic of South Africa Constitution Act, 1961 (Act 32 of 1961), and in such notice it shall request any person who wishes to object to the exercise of such a power to lodge his objection in writing with the council within a stated period, not being less than fourteen days from the date of publication of the notice in the newspaper.
- (c)
- (d)
- (e) If any objection is lodged in response to a notice contemplated in paragraph (b), the council shall not donate the land concerned, unless-
 - (i) in the case of a council referred to in the Sixth Schedule to this Ordinance, that council has considered every objection; or
 - (ii) in the case of any other council, that council has considered every objection and the town clerk of the council has submitted a copy of the resolution to donate the land concerned, together with a copy of every objection and the comments of the council thereon, if any, to the Administrator, and the Administrator has, subject to such terms and conditions as he may determine, granted his approval to the donation;
- (17A) Subject to the provisions of the Extra-territorial Assistance Ordinance, 1978 (Ordinance 8 of 1978), render assistance, including financial assistance, within or outside the municipality, for the relief of the distress of persons who are or will be affected by an event declared to be a disaster in terms of section 26 of the Fund-raising Act, 1978 (Act 107 of 1978).
- (18)(a) notwithstanding the provisions of the Townships Act 1907 (Act 33 of 1907, Transvaal), but subject to the succeeding paragraphs and the provisions of any other law-

- (i) let, sell, exchange or in any other manner alienate or dispose of any movable or immovable property of the council: Provided that where a council exchanges immovable property for other property, the other property shall be wholly or predominantly immovable;
 - (ii) grant a servitude on town lands or any other land of which the council is the owner or enter into an option contract in respect of such land;
 - (iii) cancel any servitude registered in favour of the council, whether on or without payment of any compensation;
 - (iv) grant prospecting rights on land contemplated in sub-paragraph (ii) or alienate the right to precious stones, precious or base metals, minerals, clay, lime or any other substance on such land in terms of the provisions of the Precious Stones Act, 1964 (Act 73 of 1964), the Mining Rights Act, 1967 (Act 20 of 1967), or any other law.
- (b) Whenever a council wishes to exercise any of the powers conferred by paragraph (a) in respect of immovable property, excluding the letting of any other property than land in respect of which the lease is subject to section 1 (2) of the Formalities in respect of Leases of Land Act, 1969 (Act 18 of 1969), the council shall cause a notice of the resolution to that effect to be-
- (i) affixed to the public notice board of the council; and
 - (ii) published in a newspaper in accordance with section 91 of the Republic of South Africa in Constitution Act, 1983;

in which any person who wishes to object to the exercise of any such power, is called upon to lodge his objection in writing with the town clerk within a stated period of not less than fourteen days from the date of the publication of the notice in the newspaper: Provided that where a council wishes to alienate or dispose of immovable property to the State or a statutory body, the Administrator may exempt the council from all or any of the provisions of this paragraph.

- (c) Where any objection is received by the town clerk in terms of paragraph (b), the council shall not exercise the power concerned if it is-
- (i) a council referred to in Part I or II of the Sixth Schedule to this Ordinance, unless the council has considered every objection; or
 - (ii) any other council than a council contemplated in sub-paragraph (i), unless the town clerk has submitted a copy of the resolution of the council to exercise the power concerned together with a copy of every objection and the comments of the council thereon, if any, to the Administrator and the Administrator has, subject to such terms and conditions as he may determine, granted his approval thereto.
- (d) A council wishing to exercise any of the powers contemplated in paragraph (b), shall cause a valuer or associated valuer registered in terms of the provisions of the Valuers' Act, 1982 (Act 23 of 1982), to-
- (i) determine the rental in respect of the immovable property it wishes to let: Provided that the provisions of this subparagraph shall not apply to a council referred to in Part I or II of the Sixth Schedule to this Ordinance;
 - (ii) evaluate the immovable property it wishes to sell, exchange or in any other manner alienate or dispose of, excluding letting, and in the case where the council wishes to exchange immovable property for other property, it shall cause such valuer or associated valuer to also evaluate the other property; or
 - (iii) evaluate the servitude it wishes to grant or the right it wishes to alienate:

Provided that-

- (aa) Where a council wishes to-
- (aaa) let or grant the use of any park, recreation grounds, camping site or public swimming bath, including any building, structure or facility appurtenant thereto or any part of such park, grounds or site, to any school, sports club, person or body of persons as contemplated in subsection (10);
- (bbb) let or donate immovable property to an institution, organisation, society or club as contemplated in subsection (16) (a) or to a commando as contemplated in subsection (17) (a) (i);
- (ccc) let official housing to an employee of the council in terms of a contract which the Administrator has authorised in terms of section 46.
the council shall not cause the rental to be determined as contemplated in subparagraph (i) or the property concerned to be evaluated as contemplated in subparagraph (ii);
- (bb) the Administrator may determine another method by means of which a council shall cause the rental of the immovable property it wishes to let, to be determined or the immovable property it wishes to sell, exchange or in any other manner alienate or dispose of, to be evaluated.

- (e) A council, excluding a council referred to in Part I or II of the Sixth Schedule to this Ordinance shall not-
 - (i) let immovable property at a lower rental than the rental determined;
 - (ii) sell, alienate or dispose of immovable property in any other manner, excluding exchange, grant a servitude or alienate a right at a lower amount than the amount at which it has been evaluated;
 - (iii) exchange immovable property for other property if the amount at which the other property has been evaluated is lower than the amount at which the immovable property which the council wishes to exchange, has been evaluated,in accordance with paragraph (d), unless the Administrator has, subject to such terms and conditions as he may determine, granted his approval thereto beforehand;

- (f) The gross proceeds received by a council-
 - (i) from the sale of town lands, excluding an erf or stand in a township established on town lands;
 - (ii) from the granting of a servitude or the entering into of an option contract in terms of paragraph (a) (ii) or the granting of prospecting rights or the alienation of a right in terms of paragraph (a) (iv) on or in respect of town lands or the cancellation of a servitude in terms of paragraph (a) (iii) where such land is the dominant property;
 - (iii) from the letting or alienation of town lands for the manufacture of bricks or tiles or for the quarrying of stone, sand or clay;
 - (iv) arising from the rights referred to in section 4 of the Townlands Ordinance, 1904 (Ordinance 14 of 1904), or arising from similar rights referred to in any other law,
shall be paid into a special account and
 - (aa) in the case of-
 - (aaa) a council referred to in Part I or II of the Sixth Schedule to this Ordinance a credit balance in the special account may, in accordance with such terms and conditions as the council may determine;
 - (bbb) any other council than a council contemplated in subparagraph (aaa) a credit balance in the special account may, with the prior approval of the Administrator and in accordance with such terms and conditions as he may determine.

- be paid therefrom by the council as repayable advances for any function or duty which the council is in terms of any law authorised or required to perform or to discharge;
- (bb) a credit balance in the special account may, with the prior approval of the Administrator and in accordance with such terms and conditions as he may determine, be used by the council for any function or duty contemplated in subparagraph (aa).
 - (g) Where a council uses a credit balance in the special account referred to in paragraph (1) to purchase land or exchanges town lands for other land, the land purchased or the other land for which the town lands is exchanged shall be deemed to be town lands and any amount payable by the owner of the land to the council as additional compensation for the town lands shall be paid into the special account.
 - (h) The net proceeds received by a council-
 - (i) from the sale of immovable property, excluding town lands but including an erf or stand in a township established on town lands;
 - (ii) from the granting of a servitude or the entering into of an option contract in terms of paragraph (a) (ii) or the granting of prospecting rights or the alienation of a right in terms of paragraph (a) (iv) on or in respect of land, excluding town lands, or the cancellation of a servitude in terms of paragraph (a) (iii) where such land is the dominant property;
 - (iii) from the letting or alienation of land, excluding town lands, for the manufacture of bricks or tiles or for the quarrying of stone, sand or clay.
 shall be paid into a special account and in the case of-
 - (aa) a council referred to in Part I or II of the Sixth Schedule to this Ordinance, a credit balance in the special account may, in accordance with such terms and conditions as the council may determine;
 - (bb) any other council than a council contemplated in subparagraph (aa), a credit balance in the special account may, with the prior approval of the Administrator and in accordance with such terms and conditions as he may determine,

be paid therefrom as repayable advances or used by the council for any function or duty which the council is in terms of any law authorised or required to perform or to discharge.

- (i) For the purposes of paragraph (h) 'net proceeds' shall mean the credit balance after deducting-
 - (i) legal, advertising and surveying costs;
 - (ii) in the case of the sale of land, the costs, including the purchase price, if any, incurred in connection with the acquisition of the land, the cost of any improvements effected by the council thereon and the costs necessarily incurred with the sale thereof;
 - (iii) the costs incurred in connection with the establishment of a township, including a township established on town lands, the construction of streets, including the necessary bridges and culverts, kerbs and gutters and in connection with works for the control of storm water in or for such township; and
 - (iv) such other costs as-
 - (aa) the council concerned, in the case of a council referred to in Part I or II of the Sixth Schedule to this Ordinance, may determine;
 - (bb) the Administrator, in the case of any other council than a council contemplated in subparagraph (aa), may determine,

from the gross proceeds.

- (j) A council may invest a credit balance in any of the special accounts referred to in paragraph (f) or (h) in such stocks, funds or securities as the funds of the Redemption Fund may be invested in terms of section 33 of the Johannesburg Municipality Borrowing Powers Ordinance, 1903, or in any body or institution approved by the Administrator.
- (k) Any interest accruing on advances made in terms of paragraph (1) or (h) or on investments made in terms of paragraph (I), shall be credited to the special account concerned.
- (20) subject to the provisions of the Town-planning and Townships Ordinance, 1965 establish a township;
- (21)(a) subject to the provisions of any law relating to townships or the registration of agricultural holdings, lay out plots upon or otherwise subdivide any land belonging to the council for the purposes of garden allotments, small holdings, or agricultural holdings;
- (b) subject to the provisions of sub-section (18) hereof, let, sell or otherwise alienate or dispose of any such allotments or holdings;
- (c) make, alter and revoke separate by-laws applicable only to agricultural holdings on any matter in respect whereof the council is empowered under this Ordinance or any proclamation issued thereunder to make by-laws;
- (22)(a) lay out building plots upon or otherwise sub-divide any land belonging to the council for the purpose of housing schemes for inhabitants of the municipality or for the purpose of factory, industrial, business or workshop sites;
- (b) subject to the provisions of sub-section (18) hereof, let, sell, donate or in any other way alienate or dispose of any such plots or sub-divisions of land and buildings thereon;
- (23)
- (24)(a) subject to the succeeding paragraphs-
- (i) hire, purchase, expropriate or in any other manner acquire any movable or immovable property, including a servitude on or a right in immovable property, for the performance or discharge of any function or duty which the council is in terms of any law authorised or required to perform or discharge;
- (ii) take the right to use temporarily any movable or immovable property for the performance or discharge of any function or duty contemplated in subparagraph (i);
- (iii) hire, purchase, expropriate or in any other manner acquire any immovable property for the sale or letting thereof to any person who wishes to conduct or carry on thereon any work or trade of an offensive nature which the council is empowered to license;
- (iv) purchase any immovable property at a sale in execution in satisfaction of a judgement in favour of the council.
- (b) A council wishing to exercise any of the powers conferred by paragraph (a) (i) or (iii), excluding the hiring of any other property than land in respect of which the lease is subject to section 1 (2) of the Formalities in respect of Leases of Land Act, 1969, shall cause a valuer or an associated valuer registered in terms of the provisions of the Valuers' Act, 1962,
- (i) determine the rental in respect of the immovable property it wishes to hire;

- (ii) evaluate the immovable property it wishes to purchase, to expropriate or to acquire in any other manner, excluding hire:

Provided that where the rental or the amount payable by the council for the immovable property it wishes to purchase, to expropriate or to acquire in any other manner, excluding hire, is nominal, the council shall not cause the rental to be determined as contemplated in subparagraph (i) or the immovable property to be evaluated as contemplated in subparagraph (ii).

- (c) A council, excluding a council referred to in Part I or II of the Sixth Schedule to this Ordinance, shall not acquire-

- (i) any immovable property by hiring it at a rental exceeding the rental determined in terms of paragraph (b) (i), by more than five per cent, or by purchasing, expropriating or acquiring it in any other manner, excluding by hiring it, for an amount exceeding the amount for which it was evaluated in terms of paragraph (b) (ii), by more than five per cent;

- (ii) any immovable property contemplated in paragraph (a) (iv) by purchasing it for an amount exceeding the amount of the judgement debt, the approximate cost of execution and transfer and any arrear rates or fees due in respect of such property and not forming part of the judgement debt,

unless the Administrator has, subject to such terms and conditions as he may determine, granted his approval thereto beforehand.

(24A)

(25)

- (26) establish, erect and maintain dipping tanks, and make charges in connection therewith;

- (27) establish, erect and maintain public lavatories, closets and urinals, above or below ground, and make charges in connection therewith;

- (28)(a) erect and maintain a dwelling with appurtenant outbuildings-

- (i) on plot or subdivision of land contemplated in subsection (22);
- (ii) in an area contemplated in subsection (23);
- (iii) on other land belonging to the council for providing accommodation for an officer of the council; and
- (iv) on a surveyed site in respect of which a right of leasehold has been granted to the council in terms of 52 of the Black Communities Development Act, 1984 (Act 4 of 1984), for providing accommodation for a Black employee of the council;

- (b) convert a building into a dwelling or alter, enlarge, repair or improve a building;

- (c) make an advance of money on the security of immovable property to any person-

- (i) to acquire land and either erect a dwelling with appurtenant outbuildings thereon or repair or replace any dwelling or outbuildings thereon;
- (ii) to erect, repair or replace a dwelling with appurtenant outbuildings; or
- (iii) to acquire a dwelling,

within and, in the case of an officer of the council, also outside the municipality and recover such advance with interest by installments or in such other manner as agreed upon by the council and the person to whom the advance is made: Provided that a council other than a council referred to in Part I or II of the Sixth Schedule to this Ordinance shall not exercise the powers conferred by this subsection with regard to an officer or employee of the council, unless the administrator has, subject to such terms and conditions as he may determine, granted his approval thereto beforehand;

(28)bis on such conditions as the Administrator may determine, guarantee an amount not exceeding thirty per cent of a loan required by a municipal employee for the purpose of-

- (a) acquiring land and erecting a dwelling with appurtenant out-buildings thereon for his own use;
- (b) acquiring a dwelling with appurtenant outbuildings for his own use;
- (c) enlarging a dwelling or outbuildings contemplated in paragraph (a) or (b);
- (d) effecting alterations to a dwelling or outbuildings contemplated in paragraph (a) or (b) in order to comply with any requirement of a local authority,

as well as the interest on such loan, and enter into such agreements or perform such acts, including the making of bylaws, as may be necessary for or incidental to the carrying out of the provisions of this subsection;

(28)ter on such conditions as the Administrator may determine, establish a scheme in terms of which financial assistance is rendered to-

- (a) an employee of the council for the repayment of a housing loan in respect of a house on a site-
 - (i) which is registered in the name of such employee or in the name of the spouse of such employee or in the names of such employee and spouse jointly; or
 - (ii) the right of leasehold of which is in terms of section 6A (4) (b) (i) of the Blacks (Urban Areas) Consolidation Act, 1945 (Act 25 of 1945), registered in favour of such employee or in favour of the spouse of such employee or in favour of such employee and spouse jointly;
- (b) an employee of the council, excluding the town clerk, in respect of the rent paid by such employee for a dwelling for his own use:

Provided that such a scheme shall not provide for financial assistance which is greater than the grant payable to the town clerk in terms of section 7 (b) of the Remuneration of Town Clerks Act, 1984 (Act 115 of 1984);

(28)quat grant a loan to the Corporation for Economic Development, Limited referred to in section 2 of the Promotion of the Economic Development of National States Act, 1968 (Act 46 of 1968), for the erection of buildings in which housing is provided for employees of the council;

(29) establish, acquire, construct, equip and carry on either within or outside the municipality works for the manufacture of bricks and tiles dispose of and deal in the products of such

works whether within or outside the municipality and do all such things as may be incidental to such manufacture;

(30)

(31) pay the medical or funeral expenses of any person employed by the council who suffers injury or dies as the result of an accident arising out of or in the course of his employment or as a result of illness contracted in consequence of such employment;

(32)(a) in cases where no benefits accrue from any pension, provident or benevolent fund, established or arranged by the council, grant from its revenue on such terms and conditions as the council may decide, pensions or gratuities to officers or servants of the council after they have left the council's service or to the widows or dependents of such officers or servants;

(b) in exceptional cases, where the council is of opinion that any benefit accruing from any pension, provident or benevolent fund, established or arranged by the council, to any officer or servant of the council or to the widow or dependents of such officer or servant, is inadequate, grant from its revenue, with the consent of the Administrator, a supplementary pension or gratuity on such terms and conditions as the council may with the Administrator's approval, decide: Provided that a council referred to in Part I or II of the Sixth Schedule to this Ordinance may, without the consent of the Administrator, grant such supplementary pension or gratuity on such terms and conditions as the council may determine without the approval of the Administrator;

(b)bis in cases, where it is established to the satisfaction of the council that an employee or former employee of the council has died, as the result of an accident arising out of or in the course of his employment or as a result of illness contracted in consequence of such employment grant from its revenue in such manner and proportions as it may decide to the widow or dependents or to both such widow and dependents of such employee or former employee, whether or not any such widow or dependent is the recipient of or entitled to any sum of money, benefit or compensation in terms of any law, or from a pension, provident or benevolent fund, a sum of money which shall not exceed the total of the salary and cost of living allowance paid to him in respect of the twelve months' period immediately preceding the date on which such accident occurred or on which such employee or former employee first contracted the illness from which he died, or which would have been paid to him in respect of the said period if he had not been on sick leave during the part or whole of such period, whichever is the greater: Provided that where it is not possible to establish to the satisfaction of the council the date on which such employee or former employee first contracted the illness from which he died, such date shall be deemed to be either the date on which he died, if he was then in the service of the council, or the date on which he left such service if he died thereafter;

(c)(i) maintain, contribute to and regulate a superannuation fund established under the provisions of sub-section (33) of section 79 of the Local Government Ordinance, 1926, or any prior law;

(ii) if it maintains, contributes to and regulates a superannuation fund in terms of subparagraph (i) of this paragraph, in addition establish, control, manage, maintain, regulate and contribute to a Widows or Orphans Pension Fund intended for the benefit of the widows or dependents of deceased officers and servants of the council on such terms and conditions as the Administrator may determine and -grant pensions or gratuities from any such fund to such widows or dependents;

- (32)bis(a)if it has under sub-section (4) of section 79quat been exempted from the provisions of sub-section (3) of the said section and; subject to the provisions of such by-laws as may be made under sub-section (I)bis of section 80 establish, control, manage, maintain and contribute to any pension, provident or benevolent fund intended for the benefit of non-European employees of the council and grant pensions or gratuities from such fund to such non-European employees on their retirement from the council's service or otherwise, or to the dependents on death of such non-European employees;
- (b) if it has under sub-section (4) of section 79quat been exempted from the provisions of sub-section (3) of the said section, agree with one or more other councils to establish a united pension, provident or benevolent fund for the benefit of non-European employees in the service of any of those councils provided that-
- (i) every such united fund shall be established by separate resolutions passed by each of the councils and approved by the Administrator and shall be subject to such bylaws as may be framed under sub-section (I)bis of section 80 and adopted by each of the councils concerned;
- (ii) such by-laws shall provide for the management and investment of such united fund being vested in a joint board consisting of representatives of the councils which are members of the said fund and their employees and for the election of the members of such board;
- (iii) the expenses of the administration of a united fund so established shall be defrayed by the councils concerned in such proportions as may be agreed upon from time to time;
- (iv) any council other than a council concerned in the establishment of such united fund may by resolution approved by the Administrator and subject to such terms as may be mutually agreed upon between the joint board and the council join in any united fund;
- (c) Notwithstanding the provisions of paragraphs (a) and (b), the Administrator may, in the case of a local authority which has not been exempted under the provisions of section 79quat (4), grant permission to such local authority which has established a pension, provident or benevolent fund in terms of this subsection prior to the establishment of the fund referred to in section 79quat, to continue to maintain, control and manage such fund in respect of any non-European employee who is a member of such pension, provident or benevolent fund on a date determined by the Administrator;
- (33) incur all expenditure necessary for the carrying out of any purpose of this Ordinance which the council is authorised to carry out, or of any purpose not specially provided for in this Ordinance which the Administrator may determine to be a purpose incidental to the exercise by the council of its powers and duties under this Ordinance, including the payment of a daily allowance for the defrayal of transport and subsistence expenses, or the actual transport and subsistence expenses, of-
- (a) a councillor or an officer which he incurred while on the business of the council outside the municipality;
- (b) a member of a management or consultative committee referred to in subsection (1 5) (b) (ii) which he, incurred-
- (i) while on the business of the committee outside the municipality;
- (ii) in connection with any matter outside the municipality which the Administrator has determined as a matter incidental to the business of the committee;

- (33)bis provide insurance cover for councilors and members of a management or consultative committee referred to in subsection (15) (b) (ii) in respect of bodily injury, disablement or death resulting directly from an accident occurring in the course of the performance of their official duties;
- (33)ter establish, on its own or jointly with one or more other councils, and on such conditions as the Administrator may determine-
- (a) a scheme to provide for group life insurance for employees of the council;
 - (b) a provident fund for such employees; or
 - (c) such a scheme and such a fund which are linked to each other, and contribute to such a scheme, fund or scheme and fund;
- (33)quat where the council considers it to be in the interest of local government to do so, authorise the presentation of a medal, memento, address or any other commemorative token or any token of respect-
- (a) to a mayor or mayoress, or to both, on the retirement of the mayor from office, in recognition of public service in any such capacity;
 - (b) to a public dignitary, in celebration or commemoration of a public event of local or national importance; and
 - (c) to any person-
 - (i) who holds or has held office as a councillor, in recognition of his public service in such capacity;
 - (ii) who is or was an employee of the council, for long or outstanding service with the council;
 - (iii) for gaining distinction in any public examination;
 - (iv) for performing an act of bravery; or
 - (v) for any meritorious achievement:

Provided that where a council, other than a council referred to in the Sixth Schedule to this Ordinance, presents a medal, memento, address or token, the cost thereof shall not exceed such amount as the Administrator may from time to time determine;

- (33)quin incur expenditure, for the purchase of a wreath-
- (a) for the funeral of-
 - (i) any employee or former employee of the council; or
 - (ii) any person in respect of whom the council considers it desirable that a token of respect shall be shown on behalf of the inhabitants of the municipality; or
 - (b) for ceremonies in which the council participates and which take place in connection with the celebration of Settlers' Day, Kruger Day and the Day of the Covenant, as defined in the Public Holidays Act, 1952 (Act 5 of 1952), and in connection with the days known as Van Riebeeck Day, Delville Wood Day and Remembrance Day;

- (33) sext establish a scheme providing for the payment, subject to such conditions as the council may determine of a reward to an officer of the council for an invention or suggestion by such officer which, in the opinion of the council, can be utilized to the benefit of the council;
- (33) sept on such conditions as the council may determine, either in general or in any particular case, grant a loan to-
- (a) an officer of the council or any person appointed by the council, to enable such officer or such person to redeem a study loan granted to him or any balance thereof;
 - (b) an officer of the council who is an artisan or apprentice, to acquire tools if the council is of the opinion that such officer required the tools for the execution of his official duties;
 - (c) an officer of the council-
 - (i) to acquire a fire-arm or motor vehicle if the council is of the opinion that such officer required the fire-arm or motor vehicle for the execution of his official duties;
 - (ii) for any other purpose if, in the opinion of the council, such a loan will be in the interest of the council or the inhabitants of the municipality;
- (34) grant to councilors, passes entitling them to travel without payment on municipal vehicles providing public transport;
- (35)
- (35A)
- (36) lay out and adorn any square or open space the property of or vested in the council under section 63 hereof by any architectural or other scheme of ornamentation including statues, fountains, or other structures;
- (37) establish, erect, and maintain public crematoria, mortuaries, and public weighing machines, and make such charges in connection therewith as may be fixed by by-law;
- (37A) subject to the provisions of the Crematorium Ordinance, 1965 (Ordinance 18 of 1965), establish, erect and maintain crematoriums and make charges in connection therewith;
- (38) acquire, equip, and maintain boats and boating establishments, and make charges in connection therewith;
- (39) establish, erect, maintain, and carry on municipal slaughter-houses, and make charges in connection therewith;
- (40)(a) subject to the provisions of paragraphs (b) , establish and maintain one or more ambulances, make charges for the services of such ambulances, and may also render such services to any person outside the municipality: Provided that in making such charges the council may make different charges for services rendered-
- (i) in different parts of the municipality; and
 - (ii) inside and outside the municipality;

- (b) contract with any other local authority for the use of ambulance services either by such local authority or the council and carry out the terms of such contract;
- (41) purchase or hire or keep for public use stud animals, such as stallions, jackasses, bulls, rams, boars, or he-goats, and make and regulate charges in connection therewith;
- (42) incur expenditure in respect of receptions and entertainment: Provided that where a council, other than a council referred to in the Sixth Schedule to this Ordinance, proposes to incur additional expenditure as contemplated in the proviso to section 58 (2) in respect of receptions and entertainment, such council shall, in addition to the approval required in terms of that section, obtain the written approval of the Administrator;
- (43) establish, acquire, erect, construct, carry on, maintain, assist or promote-
 - (a) public libraries, museums, theatres and lecture rooms;
 - (b) botanical and zoological gardens; or
 - (c) public baths and wash-houses,and make charges in connection therewith;
- (43A) at a library, museum or theatre established, acquired, erected or constructed in terms of subsection (43)-
 - (a) give lectures or performances and make charges therefor; and
 - (b) sell, let, distribute or in any other manner dispose of any catalogue, publication, reproduction, postcard, colour slide, film, photo or any other item which is related to the activities of such library, museum or theatre;
- (43B) resolve that the general management, regulation and control of an institution or garden referred to in paragraph (a) or (b) of subsection (43) which has been established by the council shall be exercised by a committee the members of which shall from time to time be nominated by the council, but who need not be councilors;
- (44) establish, maintain, carry on, or contribute to bands for musical performances in public places or municipal halls, and generally provide musical entertainment in such places or halls, and make charges in connection therewith;
- (45) establish, erect, construct, equip, and maintain boarding-houses or hostels attached to or in connection with educational institutions;
- (45A) establish, maintain, control and carry on nursery schools or crèches for the children of employees of the council and make charges for the attendance of such schools and crèches and determine the conditions of attendance;
- (46) by order in writing under the hand of the town clerk require the owner of any land within the municipality to do any of the following acts-
 - (i) to remove or trim trees or hedges overhanging or encroaching on any street or other public place or growing at the corner of two streets, or to remove any obstacle or obstruction to

- visibility other than buildings or structures in respect of which the council requires a plan to be lodged under its building by-laws where the council is of opinion that removal or trimming is necessary to prevent-
- injury to any street or public place;
 - obstruction or danger to traffic;
 - obstruction to any furrow, ditch or drain belonging to the street,
 - or to permit an uninterrupted view necessary for the safety of traffic approaching any intersection; provided that an owner shall not be required to trim any such trees or hedges to a height of less than three feet from the ground;
- (ii) to cut down and remove all obstructions to traffic or drainage along the whole frontage of Land occupied or owned by him;
 - (iii) if the water supply for the inhabitants of the municipality is mainly dependent upon wind, to cut down, trim or remove any tree, other than fruit trees forming or having the effect of a windbreak upon such water supply;
 - (iv) subject to the provisions of the Forest Act, 1941 (Act No. 13 of 1941), to cut down, remove, or trim trees, hedges, reeds, bushes or any similar growths or forms of plant life, where the council is of opinion that cutting down, removal or trimming is necessary to prevent-
- the occurrence of a nuisance;
 - the creation of a source of danger to surrounding properties;
 - the spread of such growths or forms of plant-life to surrounding properties; or
 - the depreciation of the values of surrounding properties;

provided that-

- (a) within ten days after service of the order, such owner may apply to the magistrate for institution of an inquiry for the purpose of determining whether the order should or should not be set aside.
 - (b) After due investigation, the magistrate, whose decision shall be final, shall determine whether the order should or should not be set aside, and in the former case the order shall be deemed to be void.
 - (c) In the case of an order which is not set aside as aforesaid, if the owner fails to do any such act in compliance therewith within one month from the service thereof, or where an inquiry has been held by the magistrate as aforesaid; then within one month after the date upon which the magistrate's decision was given, he shall be liable to a fine not exceeding one pound (£1) for every day thereafter during which such failure continues and the council may enter on the land and do such act and recover the cost from him.
 - (d) The said cost shall be a charge upon the land and may be recovered as rates are recoverable under the Local Authorities Rating Ordinance, 1933, and any amendment thereof.
- (46A)
- (47) sell all by-products whether within or outside the municipality resulting from the carrying on of any works or undertakings which the council is authorised to carry on;
 - (48) promote and oppose legislation in the interest of the municipality;

- (49) erect construct, maintain and carry on advertising, hoardings on property belonging to or vested in the council and make charges in connection therewith;
- (50) make, establish, acquire, conduct, maintain, work and carry on stone, clay and gravel pits and quarries within or outside the municipality and dispose of the products of such pits and quarries within or outside the municipality at such prices and charges as the council may by resolution from time to time fix and determine;
- (51) establish, maintain, assist, promote and administer a bursary loan fund and, subject to such conditions as the council may determine, grant loans or make advances from such fund to-
- (a) any student approved by the council who attends a university, university college, an educational institution or a school contemplated in subsection (16) (d) or any other Republic in terms of any law or who is enrolled at a correspondence college registered in terms of the Correspondence Colleges Act, 1965; or
- (b) any officer of the council who follows a training course presented by the Institute of Town Clerks of Southern Africa or by a similar institute or body-
- (i) approved by the council, in the case of an officer of a council referred to in Part I or II of the Sixth Schedule to this Ordinance; or
- (ii) approved by the Administrator, in the case of an officer of any other council;
- (52)
- (53)(a) establish a revenue reserve fund for a specific purpose and a capital reserve fund for a specific capital purpose or for capital purposes generally: Provided that-
- (i) a council, other than a council referred to in Part I or II of the Sixth Schedule to this Ordinance, shall not establish a capital reserve fund without the prior written approval of the Administrator; and
- (ii) where a council, other than a council referred to in Part I or II of the Sixth Schedule to this Ordinance, has established a revenue reserved fund or has established a capital reserve fund for a specific purpose, such council shall not, without the prior written approval of the Minister of Local Government, use such fund or any portion thereof for any purpose other than the specific purpose for which it was established;
- (b) subject to the provisions of any other law, from time to time transfer from accumulated revenue surpluses and current revenues to a reserve fund, established in terms of paragraph (a), such sums of money as it may deem fit;
- (53A) subject to such conditions as the council may determine, organise competitions for the inhabitants of the municipality in respect of the upkeep of their gardens and the sidewalks adjacent to their properties, and offer cash or other prizes;
- (54) establish and maintain offices and facilities for the provision of advice and other services to consumers.

80. **By-law powers**

The council may from time to time make, alter, and revoke by-laws for all or any of the following purposes, namely-

- (1) for regulating any of the things which the council is empowered under this Ordinance or any proclamation issued thereunder to do, establish, maintain or carry on, and the charges to be made in respect thereof, except as regards pounds;
- (1)bis(a) for permitting or requiring all or any of its non-European employees to become members of a fund established in terms of sub-section (32)bis of section 79;
- (b) for fixing the contributions, if any, to be made thereto by such members and by the council;
- (c) for periodical valuations of such fund and for the enforcement of any increase in the contributions thereto or diminution in the benefits arising therefrom as may be shown by any valuation to be necessary for maintaining the solvency thereof;
- (d) for prescribing the age at which non-European employees in the service of the council shall be permitted or required to become members of the fund and the age at and the conditions under which they shall be permitted or required to retire from the service of the council;
- (e) for determining the amount of pension or other benefit to be paid to members on retirement from the service of the council and to their dependants on death;
- (f) for regulating the management and investment of funds and the appointment or election where necessary of members of a committee for that purpose;
- (g) for vesting property, money or assets pertaining to such fund in trustees for the purpose of administration thereof as directed by any committee of management by and against whom all actions at law relating to the fund shall be brought;
- (h) for the retirement, removal and resignation of members of such committee of management or trustees and for filling vacancies caused thereby;
- (i) for providing that no pension or right to a pension shall be capable of being assigned or transferred or otherwise ceded or of being pledged or hypothecated or of being attached or subjected to any form of execution under a judgement or order of a court of law and for withholding, suspending or entirely discontinuing the payment of the same in the event of the beneficiary attempting to assign, transfer or otherwise cede or to pledge or hypothecate any pension or right as aforesaid;
- (j) for providing that in the event of any non-European employee in receipt of an annuity being convicted by any court within the British Empire and being sentenced to imprisonment without the option of a fine for a period exceeding one month any such annuity shall during such period of imprisonment be payable to his dependants;
[Sub-s. (1)bis inserted by s. 6 (1) of Ord. 11 of 1942.]
- (2) for regulating the proceedings of the council and the duties and privileges of their officers and servants, and preserving order at council meetings including the power to suspend and exclude a member who disregards the authority of the chair or wilfully obstructs the business of the council; and for prohibiting, restricting, and regulating the publication and disclosure of the council's documents and records and the proceedings of any committee of

the council or a committee of the whole council, and for punishing by suspension a member of the council who is guilty of a breach thereof,

- (3) for establishing, maintaining, and compelling the use of any sanitary service which the council is authorized to carry out or regulate, or which may be established by virtue of any powers vested in the council for the removal and destruction of or otherwise dealing with night-soil, urine, slops, rubbish, fresh or decomposing animal manure, carcasses of dead animals and refuse of all kinds and for fixing the charges to be made in respect thereof;

[Sub-s. (3) amended by s. 9 (1) of Ord. 12 of 1941.]

- (4)(a) for keeping any public place, vacant stand, vacant erf, stream or water-course (hereinafter referred to as 'such place') clean and for this purpose to prohibit any person from throwing or from letting any thing or material, whether liquid or solid, fall, be deposited or spill into or onto such place, or any liquid material to flow into or onto such place or to allow this to be done, and to regulate or prohibit the bathing and washing of any person, animal or thing in such place;

[Para. (a) substituted by s. 5 (a) of Ord. 10 of 1970.]

- (b) for compelling owners and occupiers to keep their premises clean and free from filth, debris, rubbish, glass, paper, rags, tins, lumber, weeds or undergrowth which in the opinion of the council is unsightly or is likely to become a nuisance or injurious to health or to cause annoyance to inhabitants of the neighbourhood;

- (c) for preventing, restricting or regulating the use or the accumulation on private premises, of fresh or decomposing animal manure;

[Para. (c) inserted by s. 9 (2) of Ord. 12 of 1941.]

- (d) for preventing in any area defined by the Council, any person from displaying in any manner to the view of the public 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 wall or balcony or verandah fronting on any street or public place;

[Para. (d) inserted by s. 12 (a) of Ord. 27 of 1951.]

- (5)(a) for preventing the use or misuse and securing the closing of cesspools, and for compelling and regulating the provision, construction, position, screening, use, cleansing, and repair of, and for preventing damage to earth-closets, water-closets, privies, ashpits, ashbins, urinals, sinks, fixed baths and fixed basins, waste pipes, drains, and slop tanks in connection with buildings;

- (b) for compelling on any premises the provision and suitable siting of closets for the exclusive use of persons employed or resident on the premises;

[Para. (b) substituted by para. 10 (a) of Proc. 3 of 1992.]

- (6) for the prohibition, removal or abatement and the prevention of recurrence of nuisances, for enabling the council to serve notices either upon the author of a nuisance or upon the owner or occupier of the premises on which the nuisance exists or has existed and is liable to recur; requiring the doing of such work (with or without specifying the nature thereof) within a reasonable time to be specified in the notice as is necessary for the removal or abatement and the prevention of recurrence of the nuisance and for providing that noncompliance with any such notice shall be an offence, and further for enabling the council to do such work at the expense of the person who has failed to comply with the notice, provided that where the nuisance arises from a want or defect of a structural character the notice shall be served on the owner of the premises; provided further that the by-laws may provide that, in any case where it appears that a nuisance existing within a

municipality is wholly or partly caused by some act or default outside the municipality, proceedings may be taken against any person in respect of such act or default in the same manner and with the same incidents and consequences as if the act or default were wholly inside the municipality;

- (7) for prohibiting, restricting and regulating the keeping of animals and birds, for compelling the erection of, for securing the proper construction of and regulating stables, cowsheds, animal kraals, fowl houses, for preventing the keeping of any animal or bird on premises which are not constructed in accordance with the council's by-laws or are so constructed or so situated that such animals or birds if kept thereon are in the opinion of the council likely to cause a nuisance or injury to health, and for enabling the council or a committee thereof to prohibit the keeping of swine or any other animals or birds on any premises which the medical officer of health certifies to be so situated as to be unfit for the purpose: Provided that the council may by resolution exempt any part of the municipality from the operation of any by-law made in terms of this sub-section;

[Sub-s. (7) amended by s. 12 (b) of Ord. 27 of 1951, substituted by s. 9 of Ord. 25 of 1953 and proviso inserted by s. 6 (a) of Ord. 16 of 1955.]

- (8) for prohibiting the erection of buildings or the conversion of existing buildings for use as stables or cowsheds for trading purposes in residential areas and for defining areas where such buildings may or may not be erected or used;

- (9)(a) for ascertaining the existence and cause of any nuisance arising from any drain, closet, cesspool, water supply, sink, trap, syphon, pipe, or other work or apparatus connected therewith, and for remedying the same and recovering the expenses incurred by the council in respect thereof, and to regulate the liability and penalty for nuisance in any yard or sanitary convenience used in common by the occupiers of two or more separate dwellings or by different tenants of the same building;

- (b) for regulating, controlling, or prohibiting the construction or use of septic tanks, vacuum tanks and filter installations or other works for the disposal of sewage on or from private property;

- (10) for preserving and safeguarding the public health;

- (10A) for regulating, restricting or prohibiting smoking in places where food is served to the public;

[Sub-s. (10A) inserted by para. 10 (a) of Proc. 40 of 1990.]

- (11) for preventing the outbreak and spread of infectious or contagious diseases, for declaring what diseases are notifiable for compelling the notification of such diseases for compelling the removal of persons suffering from any such disease to suitable hospitals or places of segregation and their detention and treatment therein where, in the opinion of the medical officer of health, such removal, detention and treatment are necessary either for the protection of the public health or by reason of the insufficiency or unsuitability of the patients' lodging or accommodation, for regulating and enforcing quarantine and the disinfection of persons, places or things, and for authorizing the seizure and detention and ensuring the destruction (when necessary in the opinion of the medical officer of health) of articles which are infected or have been exposed to the risk of infection, upon payment of compensation to the owner thereof, such amount to be fixed by agreement or arbitration;

- (12) for compelling the giving of any information or the production of any documentary or other evidence required for the purpose of tracing the source and preventing the spread of infection, for requiring the closing of schools or trade premises or places of public

- entertainment or any place where members of the public congregate which are suspected of being or are likely to become sources of infection, and for prohibiting persons who are or are suspected of being or are likely to become infected from carrying on any trade or business or engaging in any occupation which may cause the spread of an infectious or contagious disease;
- (13) for requiring any person arriving in the municipality within fifteen days of leaving any district infected or suspected of being infected with plague, cholera, or yellow fever or within fifteen days of landing in South Africa from any ship or aeroplane so infected or suspected of being so infected, or from any ship or aeroplane which has within ten days prior to his landing cleared from or touched at any port so infected or suspected of being so infected to report to the medical officer of health his name and place of residence within the municipality;
- (14)(a) for prohibiting and preventing the introduction into the municipality, the possession, sale or offering for sale for the purpose of human consumption or the handling (otherwise than for the purposes of destruction) of diseased animals, diseased meat, fish, or other articles of food or drink unfit for the use of man;
- (b) for authorizing the seizure and ensuring the destruction (when necessary in the opinion of the medical officer of health) of any meat, fish or other article of food or drink which is diseased, unsound, unwholesome or unfit for the use of man;
- (c) for permitting at the owner's risk such treatment in lieu of destruction of any diseased, unsound or unwholesome article of food as may render the same fit for the food of man;
- (d) for authorizing the seizure and ensuring the destruction of diseased animals when certified to be necessary by a veterinary surgeon employed or approved by the Union Department of Agriculture;
- (e) for ordering the detention pending examination or inquiry of animals or articles of food or drink;
- (f) for prescribing standard of composition, strength or quality, and for preventing the adulteration, misdescription or reduction below a prescribed or, where none has been prescribed, a proper standard and securing the sale in a pure state and in a condition which conforms with such standard of any article of food or drink; and
- (g) for authorizing the council by its officers or servants to inspect and examine any animal, article or package and to cut into any dead animal or any article or package and to purchase samples and requiring the sale of samples for the purposes of this sub-section;
- (15) for regulating, inspecting and supervising the carrying on of noisome and offensive trades, for prohibiting such trades being carried on in specific areas or specific premises, and compelling residents to keep their premises free from offensive or unwholesome matter;
[Sub-s. (15) substituted by s. 2 (a) of Ord. 15 of 1975.]
- (16) for regulating, inspecting or supervising the work or trade of manufacture of flock from rags and for prohibiting the sale and use for the purpose of the manufacture of articles of unclean flock manufactured from rags;
[Sub-s. (16) substituted by s. 2 (b) of Ord. 15 of 1975.]

- (17) for prohibiting, regulating, inspecting and supervising the work or trade of disinfection or fumigation by cyanide or other means and for penalizing persons who after notice thereto, refuse without reasonable ground to vacate any room or rooms occupied by them in any building where fumigation by cyanide or other means is being carried out;
[Sub-s. (17) substituted by s. 2 (c) of Ord. 15 of 1975.]
- (18) for regulating the carrying on of any trade, business, or calling which may, in the opinion of the council, be or be likely to become a source of serious nuisance, discomfort, or annoyance to the neighbourhood;
[Sub-s. (18) substituted by s. 2 (d) of Ord. 15 of 1975.]
- (19) for defining streets or areas within which shops, warehouses, factories, or business premises may not be erected or within which specified trades, businesses, or callings, or street trading may not be established or carried on, provided that by-laws hereunder shall not extend to shops, warehouses, factories or business premises erected or in course of erection or to trades or businesses lawfully established at the time of the promulgation of the by-laws;
- (20)(a) for regulating, inspecting and supervising businesses of fish-mongering and fish frying and all businesses, factories, and workshops which by reason of smoke, fumes, gases, dust, smell, noise, vibration, or other cause may be or become sources of danger, discomfort or annoyance to the neighbourhood; for prescribing the conditions subject to compliance with which such businesses, factories, or workshops shall be carried on and for prohibiting the carrying on thereof unless the prescribed conditions shall have first been complied with;
[Para. (a) substituted by s. 9 (1) (a) of Ord. 24 of 1966 and by s. 2 (e) of Ord. 15 of 1975.]
- (b) for compelling the covering of floors behind counters in shops with suitable material where in the opinion of the medical officer of health this is desirable in the interest of the health of employees;
- (c) for compelling, regulating and inspecting the provision of adequate rest room, washing, and lavatory facilities in premises, other than factories as defined in the Factories Act, 1918, according to the nature of the premises and the number of employees thereon;
- (21)(a) for regulating, inspecting and supervising the killing of cattle, other animals, poultry and birds and the sale of butchers' meat (whether intended for human consumption or not) and for the establishment and localisation of slaughter-houses and meat-shops and for the setting apart of municipal slaughter-houses for the slaughtering of horses, mules or donkeys and for prohibiting, regulating, inspecting and supervising the killing of horses, mules or donkeys in slaughter-houses used for the killing of cattle, other Is, poultry and birds and for the maintenance of slaughter-houses and meat-shops in a cleanly and proper state and for authorizing the entry on and inspection of slaughter-houses and meat-shops and the cattle, other animals, poultry and birds, carcasses and meat therein and to regulate the entry of the police and the inspection of skins and to provide for a minimum period for which skins must be kept and be available for inspection after the killing of any animals, poultry and birds;
[Para. (a) substituted by s. 6 (b) of Ord. 16 of 1955 and amended by s. 2 (j) of Ord. 15 of 1975.]
- (b) for prescribing the conditions subject to compliance with which any bread, cakes, pastries and confectionery (hereinafter in this paragraph referred to as bakery products) produced or prepared outside the municipality may be introduced, distributed, stored, sold or used within the municipality and for prohibiting the introduction, distribution, storage, sale or

use within the municipality of such bakery products in respect of which such conditions are not complied with;

- (22) for regulating the use and management of municipal slaughter-houses and depots for the inspection of milk and dead meat and the making of charges in connection therewith and for prohibiting the slaughtering of animals, poultry and birds intended for sale or for the food of man elsewhere in the municipality than in municipal slaughter-houses, except in the case of animals, poultry and birds which the occupier of any premises may slaughter for his own or his family's consumption;

[Sub-s. (22) amended by s. 6 (c) of Ord. 16 of 1955.]

- (22)bis for establishing a municipal service for the conveyance of carcasses of animals, poultry and birds slaughtered at municipal slaughter-houses from such slaughter-houses to the various butcher-shops, meat-shops and other disposal centres within the municipality, and for utilizing the said service for the conveyance of carcasses of animals, poultry and birds slaughtered at municipal slaughter-houses from such slaughter-houses to places outside the municipality and for prescribing the fees and conditions relating thereto;

[Sub-s. (22)bis inserted by s. 6 (d) of Ord. 16 of 1955.]

- (23)(a) for inspecting, supervising, regulating and controlling hotels, eating, boarding and lodging houses, bakeries, butchers' shops, grocers' shops, fresh produce dealers and all factories and places where articles of food (including spices) or drink are manufactured or prepared for sale or use, or stored and sold;

- (b) for inspecting, supervising, regulating and controlling flats, buildings and rooms let for lodging purposes;

[Sub-s. (23) amended by s. 7 (1) of Ord. 19 of 1944, by s. 6 (e) of Ord. 16 of 1955 and substituted by s. 2 (g) of Ord. 15 of 1975.]

- (23A)(a) without prejudice to the provisions of section 30 of Child Care Act, 1983 (Act No. 74 of 1983), for regulating, controlling, supervising and inspecting any nursery school, creche or child-minding service for the purpose of safeguarding the health and physical welfare of children attending such nursery school, creche or child-minding service;

- (b) in the application of paragraph (a) the expression 'child-minding service' means any service for reward, other than a service which shall be registered in terms of any other law and also not a place of care referred to in section (1) of the Child Care Act 1983, aimed at the custody and care of children outside the parental home and apart from their parents, whether such service is rendered during the whole or part of the day, or on one or more than one day of the week;

[Sub-s. (23A) amended by s. 9 (1) (b) of Ord. 24 of 1966, by s. 2 (h) of Ord. 15 of 1975 and substituted by para. 10 (b) of Proc. 3 of 1992.]

- (24)(a) for supervising and regulating purveyors of milk and ice cream makers or vendors and for inspecting, supervising and regulating dairies, milkshops, and cowsheds; for regulating the conveyance and distribution and securing the identification of the source of milk or milk products distributed, offered for sale, or sold within the municipality; for prescribing the conditions subject to compliance with which any milk or milk products produced or prepared within or outside the municipality may be introduced, distributed, stored, sold or used within the municipality, and prohibiting the introduction, distribution, storage, sale, or use within the municipality of milk or milk products in respect of which such conditions are not complied with; for enabling the council to certify the quality of any milk and prohibiting the unauthorized use of any terms employed by the council in denoting such quality; for prohibiting the introduction, distribution, storage, sale, or use within the municipality of any milk or milk products from any source within or outside the

municipality when it appears to the council or a committee thereof on the certificate of the medical officer of health that the consumption of such milk or milk products is likely to cause the outbreak or spread of disease;

[Para. (a) amended by s. 2 (i) (i) of Ord. 15 of 1975.]

(b) for prohibiting the purveyance of milk except from fixed premises within the municipality-
,

(c) where milk or milk products are prepared or produced outside the municipality for introduction, distribution, storage, sale or use therein, for inspecting and supervising milkshops, dairy farms, dairies and other premises outside the municipality where such milk or milk products are produced or prepared, the equipment used in connection therewith and the animals from which such milk or milk products are obtained;

[Para. (c) inserted by s. 8 (a) of Ord. 21 of 1957 and substituted by s. 2 (i) (ii) of Ord. 15 of 1975.]

(25) for prohibiting the sale of tuberculosis milk for providing for the veterinary inspection of milk cows within the municipality and for requiring from time to time in respect of any milk cows from which is obtained milk or from the milk of which is prepared any milk product for introduction, distribution, storage, sale or use within the municipality the production of a certificate of a veterinary surgeon, approved by the Principal Veterinary Surgeon, Transvaal, showing that such cows have been tested by the tuberculin test and are free from tuberculosis; provided that such certificate shall not be required in respect of any milk cow unless there is reasonable ground for suspecting that such cow is infected with tuberculosis or has been in contact with cattle so infected;

(26)(a) for inspecting, supervising, regulating and controlling the various classes of refreshment shops (as defined in section 90) and for making different regulations for such shops according to the class and volume of business carried on;

(b)

[Para. (b) deleted by para. 10 (c) of Proc. 3 of 1992.]

(c)

[Para. (c) amended by s. 2 (j) of Ord. 15 of 1975 and deleted by para. 10 (c) of Proc. 3 of 1992.]

(27)(a)

[Para. (a) amended by s. 7 of Ord. 24 of 1965 and deleted by s. 2 (k) of Ord. 15 of 1975.]

(b) for regulating and controlling the sale in public places of live poultry and live animals including the construction and maintenance of vehicles and crates and the supply of food and water to poultry in transit;

(28)(a) for regulating, controlling and supervising washing, laundering, dyeing, drycleaning, bleaching or any other process of cleaning cloths, linen, carpets, rugs, curtains or other household fabrics, and for regulating, controlling and supervising the persons engaged therein, the premises at which any such occupation is carried on and the premises at which the articles as aforesaid are received for such cleaning;

[Para. (a) substituted by para. 10 (d) of Proc. 3 of 1992.]

(b) for regulating premises or places outside the municipality at which articles referred to in paragraph (a) are cleaned as contemplated in the said paragraph for inhabitants of the municipality and for preventing the introduction into the municipality of any such articles unless the premises or places outside the municipality at which such articles were cleaned have been licensed in terms of the provisions of the Licences Ordinance, 1974 (Ordinance

19 of 1974), and for supervising persons engaged in the occupations referred to in paragraph (a) at such premises or places outside the municipality;

[Sub-s. (28) substituted by s. 6 (f) of 16 of 1955, amended by s. 3 (1) (a) of Ord. 24 of 1960, and substituted by s. 2 (1) of Ord. 15 of 1975.]

(29)

[Sub-s. (29) deleted by para. 10 (e) of Proc. 3 of 1992.]

(30) for securing the prevention and destruction of rats and other vermin on any premises within the municipality and for enabling the council to set traps or to take other measures on any premises necessary for this purpose, and for prohibiting interference with such traps or other measures and for fixing the charges payable by the owner of any premises on which the council had set traps or taken other measures to secure the prevention or destruction of rats or other vermin;

[Sub-s. (30) amended by s. 7 (2) and (3) of Ord. 19 of 1944.]

(31) for prohibiting or regulating the laying down and use of poison whether in public places or on private premises for the purpose of the destruction of animals or vermin and for charging fees for any inspection by the council's officers or servants in connection therewith;

(32) for securing the prevention and destruction of locusts and other noxious insects within the municipality and for the prevention and abatement of agricultural pests and for the supply of poison and appliances for the aforesaid purposes;

(33) for the prevention and abatement of conditions permitting or favouring the breeding of mosquitoes or flies;

(34) for managing, regulating and supervising, crematoria and for setting aside crematoria or portions of or places in crematoria for the cremation therein of persons of different religious denominations;

[Sub-s. (34) amended by s. 9 (3) of Ord. 12 of 1941, by s. 16 (1) of Ord. 18 of 1965 and substituted by para. 10 (f) of Proc. 3 of 1992.]

(35)(a) for regulating the supply and distribution of any water under the control or management of the council, for making charges for the use of water from water-furrows, and for compelling owners or occupiers to maintain in good order water-furrows traversing or abutting on their premises;

(b) for preventing the waste, undue consumption, misuse, or contamination of such water and for prescribing the size, nature, materials, workmanship and strength and the mode of arrangement, connection, disconnection, alteration and repair of pipes, meters, cocks, ferrules, valves, soil-pans, waterclosets, baths, cisterns and other apparatus (in this paragraph referred to as "water-fittings") to be used and for forbidding any arrangements and the use of any water-fitting which may allow or tend to waste, undue consumption, misuse, erroneous measurements or contamination;

(c) for prohibiting or regulating the use of garden hoses, water sprinklers or spraying devices or for limiting the use thereof to specified hours of the day or specified days of the week;

[Para. (c) inserted by s. 11 of Ord. 16 of 1984.]

(36) for the provision by the council of water meters, for fixing charges for water according to meter which may vary according to locality, nature of user or class of consumer and for determining the area in which such meters shall be installed and for compelling consumers of waters to provide suitable places within their premises in which to fix such meters;

[Sub-s. (36) amended by s. 9 (4) of Ord. 12 of 1941.]

- (37) for preventing the pollution of any water which the inhabitants have a right to use;
- (38) for preventing the pollution of catchment areas, rivers, canals, springs, wells, reservoirs, filter beds, water purification or pumping works, tanks, cisterns or other sources of water supply or storage the water wherein or wherefrom is used or is likely to be used by man within the municipality for drinking or domestic purposes;
- (39) for compelling the provision of a proper and sufficient water supply for every dwelling-house, school, store, factory, or workshop;
- (40) for compelling owners of premises which, in the opinion of the council, are not provided with a sufficient supply of good and wholesome water for drinking and domestic purposes to take such a supply from any pipe or main belonging to the council or that is within reasonable distance of such premises;
- (41) for prohibiting subject to the payment of compensation in respect of existing boreholes or wells the use of water from, or the provision or sinking of, any borehole or well on any premises in cases where it can be proved to the satisfaction of the magistrate that such use, provision, or sinking prejudicially affects or diminishes or is likely so to affect or diminish any municipal water supply;
- (42)(a) for regulating the construction, alignment, height and elevation of all buildings or other structures and all parts thereof and all materials used therein and compelling the pulling down, repair, alteration, removal, or rendering safe of all buildings, walls, bridges, earthworks, stoeps, verandahs, or other structures of an unsafe or dangerous character, or which have been allowed to fall into a dilapidated, ruinous or unsightly condition, and for doing such work at the cost of the owner;
[Para. (a) amended by s. 2 (a) of Ord. 14 of 1963.]
- (b) for prohibiting or regulating the erection or use of back-to-back tenements or houses and for ensuring sufficient air space and ventilation between houses and adequate through ventilation within houses;
- (c) for prohibiting, permitting or regulating the erection, construction or use by any person of a verandah, balcony, foundation, pavement, cellar, basement or any other similar structure which projects or extends into, over or under any public place; and for fixing a rental payable by the present or any future owner of the building to which any such structure is attached or of which it forms part, for such use and for prescribing the duration and conditions of such use;
[Para. (c) inserted by s. 6 (g) of Ord. 16 of 1955.]
- (d) for compelling the completion or demolition of any partially erected building or structure not completed in accordance with building plans approved by the council, or for doing such work at the cost of the owner, where he fails to comply with an order of the council for such completion or demolition: Provided that a minimum period of 120 days shall be granted to the owner of a partially erected building or structure within which to comply with any such order issued by the council: Provided further that within the said minimum period such owner shall have a right of appeal against any such order to the Administrator, whose decision shall be final;
[Para. (d) inserted by s. 8 (b) of Ord. 21 of 1957.]

- (43) for requiring any hole, well, pit, excavation, pond and any swimming pool or swimming bath whether on, above or below the surface of the ground, to be filled in or to be adequately protected;
[Sub-s. (43) substituted by s. 2 (1) (a) of Ord. 10 of 1973.]
- (44) for regulating, controlling, or prohibiting the use and erection of any temporary or movable structures whether standing on wheels or otherwise, and for prohibiting or restricting the use of tents or similar structures for business or dwelling purposes;
- (45) for preventing the discharge of any guttering or down-pipes on to any footway, pavement or side-walk and securing, regulating, and controlling the laying down of pipes to carry any outflow therefrom to such gutter or drain as may be authorized or approved by the council for the purpose and for empowering the council to compel the owner of any premises from which such discharge takes place to lay down such pipes as the council may determine for carrying such outflow to such gutter or drain and for empowering the council to carry out any such works at the expense of the owner after notice has been given to him to do so and he has remained in default for a specified period after service of such notice, or, in the discretion of the council and in respect of such premises as the council may determine, for carrying out such works at its expense;
[Sub-s. (45) amended by s. 2 (m) of Ord. 15 of 1975.]
- (46) for regulating the size or number of buildings which may be built on any erf or plot or portion thereof, for prescribing with due regard to the local conditions of different parts of the municipality the extent and disposition of the open space on private land to be provided and maintained in connection with new buildings in order to secure proper visibility for traffic at street intersections, proper sanitary condition, amenity, and convenience in connection with the laying out and use of land in the locality in which such buildings are erected and for prohibiting the erection of buildings on any open space so provided;
- (47) for preventing the erection of buildings on ground contaminated by any faecal, animal, or vegetable matter;
- (48) for requiring and regulating the lighting and cleansing of staircases and passages used in common by different tenants of the same buildings and the cleansing, drainage and paving of courts, yards, and open spaces used in connection with dwellings;
- (48A) subject to the provisions of the Factories, Machinery and Building Work Act, 1941 (Act 22 of 1941), for the requiring and regulating the provision in any building erected or to be erected of such eating or rest room facilities, or both, as the council may deem necessary or as the council may prescribe for persons who occupy or will occupy or are or will be employed in such building;
[Sub-s. (48A) inserted by s. 2 (n) of Ord. 15 of 1975 and substituted by para. 10 (g) of Proc. 3 of 1992.]
- (49)(a) for prescribing the frontage lines, securing the regularity of lines and level of buildings and of the architecture of buildings and the removal, alteration and prevention of projections or obstructions in front of buildings;
- (b) subject to the provisions of the Factories, Machinery and Building Work Act, 1941 (Act No. 22 of 1941) and any regulations made thereunder for compelling and regulating-
- (i) the provision of lifts for the delivery of goods-
- (aa) in flats over four storeys in height,

- (bb) in buildings (other than flats) over four storeys in height and erected subsequent to the commencement of the Local Government Amendment Ordinance, 1943; and
- (cc) in buildings (other than flats) erected prior to the commencement of the Local Government Amendment Ordinance, 1943, which by the addition of further storeys after such commencement are raised to a height of more than four storeys;
[Sub-para. (cc) inserted by s. 6 (h) of Ord. 16 of 1955.] [Sub-para. (i) amended by s. 6 (h) of Ord. 16 of 1955.]
- (ii) the provision of lifts for persons in flats and buildings referred to in subparagraph (i) of this paragraph.
[Sub-para. (ii) substituted by para. 10 (h) of Proc. 3 of 1992.] [Para. (b) substituted by s. 4 of Ord. 19 of 1943.]
- (50) Repealed by Local Government Laws Amendment Act No 51 of 2002
- (51)(a) for prohibiting the erection of any building deemed by the council to be or be likely to be objectionable or dangerous by reason of either the nature and/or construction of the building itself, or the uses to which it is to be put, or its environment;
- (b) for enabling the council to prohibit and prevent erection of buildings of a dangerous, unsightly or objectionable character or of a class calculated to depreciate the values of surrounding properties;
- (52) for regulating or prohibiting the use as a dwelling of any building not erected for that purpose;
- (52A) Subject to the provisions of the Sectional Titles Act, 1971 (Act 66 of 1971), or any other law, for regulating and controlling the names of buildings or arcades;
[Sub-s. (52A) inserted by s. 5 of Ord. 16 of 1979.]
- (53) for enabling the council to prevent the sub-division or alteration of buildings or dwellings in such a manner as may be calculated to be injurious to health or to depreciate properties in the locality or to cause annoyance to the inhabitants of the neighbourhood;
- (54) for prohibiting buildings or lands being put to uses calculated to depreciate neighbouring property or to interfere with the convenience or comfort of neighbouring occupiers;
- (55) for regulating, restricting, or prohibiting the erection of hoardings or fences or of dwellings or structures of wood or wood and iron or canvas;
- (56) for regulating the inspection of building and structures by the council and its officers, and for regulating the erection and use of scaffolding, hoarding, fencing and any other protective structure during the construction, demolition, repair or alteration of any building or structure and for charging fees in connection with any such scaffolding, hoarding, fencing or protective structure;
[Sub-s. (56) amended by s. 2 (b) of Ord. 14 of 1963.]
- (56A) subject to the provisions of section 51 of the Factories, Machinery and Building Work Act, 1941 (Act 22 of 1941), for prohibiting, restricting, regulating and controlling the use of any crane or other hoisting device;
[Sub-s. (56A) inserted by s. 5 (a) of Ord. 16 of 1972.]
- (57) for regulating or prohibiting the use of underground rooms for human habitation or occupation;
- (58) for determining and regulating-

- (a) the material and structure of walls, foundations, roofs, chimneys, windows, guttering, down-piping, and all other parts of buildings, whether new or already existing, in order to secure stability sufficient height, light, and ventilation, and the proper carrying off of rainwater, as well as for the prevention of fires and for purposes of health;
- (b) the sufficiency of the space about buildings in order to secure a free circulation of air and the proper ventilation of buildings;
- (c) the closing of buildings or parts of buildings unfit for human habitation and for the prohibition of their use for habitation or occupation;
- (d)

[Para (d) deleted by s. 19 of Ord. 18 of 1977.]
- (e) adequate provision for parking facilities and loading bays on land on which blocks of flats, blocks of rooms or apartments, hostels, boarding-houses, hotels or buildings for recreational, business, commercial or industrial purposes are to be erected or if already erected, are to be structurally altered and such alteration, in the opinion of the Council, permits of such provision being made;

[Para (e) inserted by s. 6 (i) of Ord. 16 of 1955.]
- (59)(a) for the giving of notice and the deposit of plans and sections by persons wishing to construct or alter buildings before commencing any such work, and for the approval or otherwise of all plans and sections of any such buildings or alterations by the council, and for charging fees in connection therewith and any such by-law may provide that the council may restrict the accommodation shown on such plans and sections for employees;

[Para. (a) amended by s. 2 (c) of Ord. 14 of 1963 and substituted by para. 10 (z) of Proc. 3 of 1992.]
- (b) for compelling the owner of any building erected without an approved plan or plans having been lodged, to lodge plans if the building is otherwise in accordance with the bylaws in force in the municipality, and for providing that it shall be a continuing offence for so long as he shall fail to lodge such plan or plans after notice has been given to him so to do;
- (c) for requiring the owner of any building which in any respect does not comply with the by-laws to make such alterations and to do or cause to be done everything necessary to make such building comply and be in accordance with the by-laws and for providing that it shall be a continuing offence for so long as such owner fails to comply with such requirements after due notice specifying the requirements has been given to him;
- (d) for empowering the council to remove, alter or demolish any building which does not comply with the building by-laws at the expense of the owner;
- (e) for empowering the council to decide in its discretion in any particular case whether to enforce a by-law made under paragraph (c) or a by-law made under paragraph (d);
- (f) for preventing the occupation of any new or altered building until a certificate of the fitness thereof for habitation shall have been issued and signed by the medical officer of health;
- (60) for preventing the withdrawal, cancellation or alteration except with the consent of the council of any township plan which has been approved by the council, or the closing up of any streets, roads or open spaces shown on such plan except with the like consent;

- (61) for preventing without the approval of the council or regulating the sub-division or cutting up of land or the sub-division of existing building lots into smaller areas, and for providing that no transfer of any such sub-division of land shall be registered in any deeds registry unless and until a certificate under the hand of the town clerk shall be produced to the registration officer that the council has approved of such sub-division; provided that by-laws hereunder shall not apply to the sub-division of land for the purpose of establishing a township thereon under the Town-planning and Townships Ordinance, 1965;
[Sub-s. (61) amended by s. 11 of Ord. 18 of 1985.]
- (62) for providing for the due and proper care of the common pasture and other municipal land and for prohibiting or regulating grazing thereon and for prescribing the fees, if any, to be paid in respect of stock kept or depastured;
- (63) for regulating, restricting or prohibiting subject to the provisions of any Proclamation issued under the Game Ordinance of 1935, or any amendment thereof, the shooting and hunting of game during the open season on municipal lands and for charging fees to persons permitted to shoot or hunt game on such lands;
- (64) for regulating, restricting or prohibiting subject to the provisions of any Proclamation issued under the Fish Preservation Ordinance of 1921 or any amendment thereof, fishing during the open season in dams, water-courses, and other waters under the control of the council and for charging fees to persons permitted to fish therein;
- (65) for granting permits to make bricks or to dig and burn lime or dig or remove clay, gravel, peat, or turf, or to quarry or crush stone or cut firewood, brushwood, or grass upon municipal lands, and for prescribing the fees (if any) to be paid for the same;
- (66) for planting and preserving trees, flowers, and shrubs, and for prohibiting or regulating and controlling the planting of trees in public places and for maintaining, cutting, or removing any such trees and preventing the removal or injury thereof,
- (67) for preventing or regulating and controlling the keeping of stallions, jackasses, bulls, rams, he-goats, boars, goats, swine, bees and of wild or dangerous animals within the municipality;
- (68) for regulating the width, curbing, paving, guttering, gravelling and cleansing of roads and streets;
- (69) for regulating the traffic and preventing and removing obstructions in or on public places; for dealing with live stock and dead, diseased, or injured animals found in any public place, and for restricting and regulating the driving of live stock through streets or other public thoroughfares;
- (70) for regulating and controlling traffic, processions, and gatherings at in or on public places;
[Sub-s. (70) amended by s. 6 (2) of Ord. 11 of 1942.]
- (70)bis for prohibiting, regulating and controlling-
- (a) traffic, processions, gatherings and the congregation of persons at, on or in any premises belonging to the council or under its control; and
- (b) the admission and entry of any person, animal or vehicle to any such premises;
[Sub-s. (70)bis inserted by s. 6 (j) of Ord. 16 of 1955.]

- (70)ter for regulating, controlling and supervising parking garages and areas erected or established by the council, the definition of the vehicles or class of vehicles entitled to the use of such parking garages and areas, the conditions upon which such parking garages and areas may be used and the prescribing of charges to be paid in connection with the use of such parking garages and areas;
[Sub-s. (70)ter inserted by s. 3 (1) (b) of Ord. 24 of 1960.]
- (71) for preventing any person or vehicle from carrying or conveying any article, burden, or load so as to obstruct or incommode passengers, pedestrians or vehicles in any public place, and for preventing the wheeling of wheelbarrows, cycles, or other vehicles on any side-walk or foot-pavement except for the purpose of crossing the same to or from any house or building;
- (72) for preventing persons from congregating with others and so causing an obstruction in any public place except such as may be set apart for the purpose;
- (73)
[Sub-s. (73) substituted by s. 2 (o) of Ord. 15 of 1975 and repealed by s. 6 of Act 186 of 1993.]
- (74) for regulating, supervising, restricting or prohibiting the playing of musical instruments or singing or gramophoning or performing for profit in or on any public place;
[Sub-s. (74) amended by s. 2 (p) of Ord. 15 of 1975.]
- (75)(a) for regulating and supervising porters, public carriers, carters, motor vehicles and the drivers thereof and for fixing the amount of such licence fees to be paid, the charges and fare to be made by distance or by time within or outside the municipality and the number of passengers and the weight, dimensions, and nature of the loads to be carried and enabling the council to endorse, suspend, or cancel any such licence; and for making it an offence for any passenger in any public vehicle to fail or refuse to pay the legal fare on demand, or to injure or damage any such vehicle wilfully or negligently; and for compelling the provision and use in public vehicles of such taxi-meters as may be prescribed by by-law and for providing penalties in the event of such taximeters being found defective; for testing taximeters and making charges therefor and for providing in the interests of the safety of the public for the periodical examination by an authorized officer of the council of public vehicles and for prohibiting the use of any vehicle as a public vehicle unless a certificate of efficiency under the hand of such officer has first been obtained by the applicant for a licence or by a licensee and for charging a fee for each such certificate and for restricting the use of motor vehicles plying for hire: Provided that-
- (i) if any by-law promulgated in terms of this paragraph prohibits the use in the municipality of any motor vehicle of a particular class for the conveyance of persons for reward unless such motor vehicle is licensed under such by-law, the holder of a motor carrier certificate as defined in section one of the Motor Carrier Transportation Act, 1930 (Act No. 39 of 1930), or of an exemption mentioned in section 9 of that Act, which related to such motor vehicle, shall nevertheless be entitled to obtain such licence on payment of the fee prescribed therefor;
- (ii)
[Sub-para. (ii) deleted by s. 2 (q) (ii) of Ord. 15 of 1975.]
- (iii) if any provision of a by-law promulgated in terms of this paragraph or any action taken under such by-law is inconsistent with any provision in a certificate or exemption referred to in the first proviso to this paragraph, the latter provision shall prevail;
[Para. (a) amended by s. 8 (c) of Ord. 21 of 1957 and by s. 2 (q) (i) of Ord. 15 of 1975.]

- (b) for prohibiting, restricting, regulating and controlling the parking of vehicles other than motor vehicles in any public place or in any portion thereof, and the giving effect to such prohibition, restriction, regulation or control by orders made by notices and signs posted in or placed on any such road or portion thereof. Such orders shall be passed by resolution of the local authority but shall not require to be published in any manner other than by means of the said notices and signs;
- (c) for regulating, controlling, restricting or prohibiting the use of stands and shopping places fixed in terms of section 65bis and for levying charges for the use of such stands and stopping places;
[Para. (c) inserted by s. 8 (d) of Ord. 21 of 1957 and substituted by para. 10 (b) of Proc. 40 of 1990.]
- (76) for regulating supervising and licensing the use of public vehicles;
[Sub-s. (76) substituted by para. 10 (j) of Proc. 3 of 1992.]
- (77)(a) for regulating, controlling, and supervising the use within the municipality and any outside area held by the council, of all vehicles: Provided that whenever it is desired to regulate and control such use on a public place or portion thereof by fixing places where vehicles or any particular class of vehicle must come to a stop before proceeding further, effect may be given to such regulation or control by stop-signs posted in a conspicuous manner on such public place or portion thereof at or near the contemplated stopping place by orders passed by resolution of the council but without publication other than by means of such stopsigns;
[Proviso to para. (a) inserted by s. 6 (k) of Ord. 16 of 1955.]
- (b) for restricting the use within the municipality and any outside area held by the council of bicycles, tricycles, road locomotives and traction engines;
- (c) for prohibiting or restricting the use in certain streets or areas of-
 - (i) specified classes of vehicles, excluding traction engines but including bicycles, tricycles and road locomotives, or,
 - (ii) vehicles with specified types of wheels or tyres;
- (d) for empowering the council to prohibit the use of traction engines within the municipality and any outside area held by the council or any portion thereof,
[Sub-s. (77) substituted by s. 6 (3) of Ord. 11 of 1942 and amended by s. 9 (1) (b) of Ord. 24 of 1966.]
- (78) for licensing and supervising drivers of road locomotives within the municipality and for testing the efficiency of the applicants for such licences and prohibiting the driving of such vehicles by unlicensed persons and for enabling the council to endorse, suspend, or cancel any such licences;
- (79) for empowering the council to enter into reciprocity agreements with other councils whereby vehicles or dogs licensed in one municipality shall be recognized as licensed by the other contracting council, the licensing charge being the same in each such municipality; provided that where the boundaries of two or more municipalities are contiguous, a vehicle or dog licence issued in one of such municipalities shall be recognized, in cases where the charges are the same, by the councils of such municipalities, and further provided that such licences shall be issued by the local authority of the municipality in which the applicant for any such licence resides;
[Sub-s. (79) amended by s. 7 (4) and (5) of Ord. 19 of 1944.]
- (80) for licensing, registering, stamping and assigning identification marks or numbers to-

- (a) vehicles belonging to persons resident within the municipality and any outside area held by the council, and
- (b) road locomotives and traction engines used within the municipality and any outside area held by the council but the owners of which are not resident within the municipality and any outside area held by the council; provided that for the purposes of this sub-section "vehicles" shall not include perambulators and the like and motor vehicles but shall include bicycles and tricycles;
[Sub-s. (80) substituted by s. 6 (4) of Ord. 11 of 1942 and amended by s. 9 (1) (d) of Ord. 24 of 1966.]
- (81) for regulating and controlling the conveyance of meat or dead animals through or along any public streets or public thoroughfares;
- (82) for preventing the placing of articles on window sills or in any other position near any street in such a manner as is likely to cause danger or annoyance to passers-by;
- (83) for prohibiting or regulating, and for inspecting, supervising and licensing the erection of wires of any kind in, along, under, or over any street or thoroughfare; provided that such wires as may be erected for public purposes by the Postmaster-General or the Railway Administration shall not be prohibited or regulated and no licence shall be required in respect thereof;
- (84) for regulating, inspecting, supervising, restricting, prohibiting and licensing the display or distribution of advertisements, advertising devices, handbills, tracts or pamphlets of whatever nature in or in view of any street, and to make charges in respect of any such licensing, display or distribution, for prohibiting advertisements, advertising devices, pictures, handbills, tracts or pamphlets which, in the opinion of the council, are indecent or suggestive of indecency or prejudicial to public morals from being so displayed or distributed and for preventing the display or distributions of the advertisements, advertising devices, handbills, tracts or pamphlets in such places or in such manner or by such means as, in the opinion of the council, would be likely to affect injuriously the amenities of or to disfigure the neighbourhood;
[Sub-s. (84) substituted by s. 2 (r) of Ord. 15 of 1975.]
- (85) for prohibiting, or regulating, and for inspecting, supervising and licensing the use and passage of advertising vans, sandwich boards, lanterns, flags, screens, or other movable advertising devices in or along any street or thoroughfare;
- (86) for preventing the disfiguring of the fronts of buildings or fences, and for prohibiting, inspecting, supervising and licensing the use, or regulating the size, description, and fixing of sign-boards, screens, private lamps, sun blinds, or other devices attached to or connected with any buildings or fences, by means of which any advertisements or notices of any kind may be displayed;
- (87) for regulating and controlling street decorations and for prohibiting, regulating, and controlling the erection and removal of temporary platforms, seats, and other structures for the use of the public at any meeting or entertainment, or for the accommodation of spectators at any procession, exhibition, ceremony or spectacular display of any kind;
- (88)

[Sub-s. (88) amended by s. 4 of Ord. 33 of 1959, by s. 3 (c) of Ord. 24 of 1960 and deleted by s. 19 of Ord. 18 of 1977.]

- (89)(a) for prohibiting or regulating collections of money in public places for charitable or other objects and for prohibiting the employment of any person under the age of sixteen years in any such collections;
- (b) for regulating, restricting or prohibiting the playing of gramophones and the use of loudspeakers or similar devices operated by electricity or otherwise for the purpose of advertising on or adjacent to any public place;
- (c) for granting permission to use streets, pavements and sidewalks for the purpose of erecting thereon petrol pumps or devices for the supply of motor fuel, oil, air and water and for fixing a rent or charge for such use and the duration and conditions of such user;
- (90)(a) for controlling, managing and regulating markets and for prescribing charges in connection therewith: Provided that reduced charges may be made in respect of any article offered for sale on the market in standardised containers prescribed by any by-law or other law: Provided further that any commission prescribed by a council which acts as its own market agent shall not exceed the maximum fees prescribed for commission agents and brokers by regulation made in terms of the Perishable Agricultural Produce Sales Act, 1961 (Act No. 2 of 1961); and
- (b) for controlling, limiting or prohibiting persons and goods entering or leaving a market.
[Sub-s. (90) amended by s. 12 (c) of Ord. 27 of 1951 and substituted by s. 7 (a) of Ord. 15 of 1961.]
- (91)
[Sub-s. (91) deleted by para. 10 (k) of Proc. 3 of 1992.]
- (92) subject to the provisions of Act No. 22 of 1925 or any amendment thereof for regulating public sales and for charging fees in connection with public sales held on any public square or open space or in a public building;
- (93)(a) for regulating, restricting or prohibiting the keeping of dogs and for imposing a tax in respect of such keeping and such by-laws may differ in respect of the breed, number, sex and area;
[Para. (a) substituted by s. 5 of Ord. 21 of 1976.]
- (b) for providing for the capture, detention, sale or destruction of dogs apparently ownerless, dogs which are unclaimed and dogs in respect of which the tax has not been paid;
- (c) for the providing for the full or partial exemption of any category persons from the payment of such tax in respect of all dogs or any category of dogs;
[Para. (c) substituted by para. 10 (1) of Proc. 3 of 1992.]
- (d) for the detention in a dog pound which the council may establish, of dogs which have been captured until such dogs have been sold or destroyed;
- (e) for dealing with vicious, dangerous, diseased, injured or disabled dogs;
- (f) for dealing with dogs which in any way create a disturbance;
- (g) for prohibiting bitches in heat from running loose in the street;
- (h) by providing for the leasing, maintenance, control and management of such pound by any person or body;

- (i) by providing for the imposition of conditions, powers and duties in connection with the maintenance, control and management of such pound by the lessee;
- (j) by providing for the delegation of the powers referred to in paragraph (b) to such lessee; and
- (k) for controlling dog kennels in the municipality and for prohibiting such establishments near residential areas: Provided that-
 - [Para. (k) amended by s. 2 (s) of Ord. 15 of 1975.]
- (i) any tax in respect of a dog of a particular breed or sex imposed by a by-law made in terms of this paragraph, with the exception of a tax in respect of a sterilised bitch, shall not be less than the licence fee prescribed in section 4 of the Licensing and Control of Dogs Ordinance, 1933 (Ordinance 18 of 1933), in respect of a dog of the same breed or sex, but no tax in respect of a dog of any breed not mentioned in the said section, shall be less than the lowest amount of licence fees prescribed in that section; and
- (ii) provision for exemption from tax by such by-laws shall be restricted to those cases where exemption from licence fees may be granted in terms of the aforesaid section 4;
- (b) for licensing and controlling dog kennels in the municipality and for prohibiting such establishments in or adjacent to residential areas;
 - [S. (93) amended by s. 9 (e) of Ord. 21 of 1957, by s. 9 (1) (c) of Ord. 24 of 1966, and substituted by s. 8 (a) of Ord. 10 of 1971.]
- (94)(a) for regulating the construction and maintenance of all installations for the supply of light, heat or power by means of electricity, gas or otherwise; and subject to the provisions of sub-section (4) of section 83 for prescribing conditions under which advances of money or material may be made to owners of land for the purpose of enabling or assisting them in the installation of plain wiring, electric or gas fittings and articles in or at their premises;
- (b) for prescribing conditions governing the hire of electric or gas fittings and articles to private consumers;
- (95) for regulating lighting with gas, electricity or otherwise;
- (96)
 - [Sub-s. (96) deleted by s. 19 of Ord. 18 of 1977.]
- (97)
 - [Sub-s. (97) substituted by s. 2 (1) (b) of Ord. 10 of 1973 and deleted by s. 19 of Ord. 15 of 1977.]
- (98) for inspecting, supervising, controlling and regulating places of entertainment, amusement or recreation including theatres, bioscopes, music halls, dance halls, dance clubs, discotheques, night clubs, youth clubs, teenage clubs, halls, concert rooms, billiard rooms, snooker rooms, or any like place to which the public are admitted for the purpose of entertainment, amusement or recreation either on payment of a fee or otherwise, and whether as member of or guests of any member of any club, association or organisation; and to licence any such place which is not a trade or occupation as contemplated in section 2 of the Licences Ordinance, 1974; for imposing conditions in any such licence restricting the days and hours which such licensed places may be kept open; for exempting, in its discretion, on any occasion any place of entertainment, amusement or recreation from any such restriction or prohibition or on any occasion, in its discretion, varying such restriction or prohibition; for closing either temporarily or permanently any place of entertainment,

amusement or recreation which is required to be licensed in terms of this subsection but is in fact not so licensed, or which is used in breach of any prohibition or condition imposed in terms of this subsection; for prescribing licensing fees in respect of the licensing of such places; for prescribing conditions relating to such licensing, inspecting, supervising, controlling and regulating and for making it an offence for such place of entertainment, amusement or recreation to be used without being licensed in terms of this subsection or to be used in breach of any prohibition, restriction or condition imposed in respect of such licence in terms of this subsection: Provided that the provisions of this subsection shall not apply to any premises, including any club, licensed under the provisions of the Liquor Act, 1989 (Act No. 27 of 1989);

[Sub-s. (98) amended by s. 12 (d) of Ord. 27 of 1951, by s. 5 (b) of Ord. 10 of 1970, by s. 2 (t) of Ord. 15 of 1975 and substituted by para. 10 (m) of Proc. 3 of 1992.]

- (99) for licensing, inspecting, supervising and regulating the use of cinematograph and bioscope apparatus and appliances and for licensing the operators thereof, and for testing the efficiency of applicants for such licences and for regulating or prohibiting the keeping or storing of raw celluloid and cinematograph film and for prescribing the conditions under which such inflammable substances may be kept or stored on any premises.
- (100) for establishing, regulating, inspecting and supervising public resorts, public camping sites and public places of recreation;
[Sub-s. (100) amended by s. 12 (e) of Ord. 27 of 1951, substituted by s. 5 (b) of Ord. 16 of 1972 and by s. 2 (u) of Ord. 15 of 1975.]
- (101) for preventing, regulating or restricting the singing or performing professionally of persons under the age of sixteen years in any place of public entertainment or recreation;
- (102) for regulating and supervising wood-sawyers;
[Sub-s. (102) substituted by s. 2 (v) of Ord. 15 of 1975.]
- (103) for regulating, supervising and controlling pawnbrokers and for regulating the sales of unredeemed pledges;
[Sub-s. (103) substituted by s. 2 (w) of Ord. 15 of 1975.]
- (104) for regulating, inspecting, supervising and controlling the trade, business or occupation of dealers in, buyers and sellers of second-hand goods and scrap metals including bottles, sacks, bones, paraffin and other tins and compelling dealers in scrap metals to keep books showing all purchases of such metals and prohibiting such purchases under a fixed mass and unless such dealers are satisfied that the sellers are bonafide owners of such metals;
[Sub-s. (104) substituted by s. 2 (x) of Ord. 15 of 1975.]
- (105) for regulating, supervising and controlling cycle dealers, manufacturers and repairers;
- (106)(a) for regulating, inspecting and supervising Turkish baths, sauna baths, physical culture gymnasiums, physical culture, slimming and massage establishments, beauty parlours, swimming-baths and paddling-pools;
- (b) for taking and analysing samples of water of swimming-baths or paddling-pools;
- (c) for levying charges for the taking and analysing of such samples;
- (d) for prescribing standards with which water of swimming-baths or paddling-pools shall comply and where such water does not comply with the standards so prescribed, to prohibit the use of such swimming-baths or paddling-pools: Provided that in the case of a swimming-bath or paddling-pool at a private dwelling, other than a swimming-bath or

paddling-pool which is used for tuition purposes or in respect of which an admission fee is charged-

- (i) samples of water may only be taken and analysed if the owner or person in control of such swimming-bath or paddling-pool so requests; and
- (ii) the use of such swimming-bath or paddling-pool may not be prohibited; and
- (c) for regulating and prohibiting the bathing or swimming in water to which the public has access, other than water in s g-baths or paddling-pools;

[Sub-s. (106) substituted by s. 8 (b) of Ord. 10 of 1971, amended by s. 2 (y) of Ord. 15 of 1975 and substituted by s. 4 of Ord. 13 of 1980.]

- (107) for regulating, inspecting and supervising boating establishments and boats, for licensing boats, and for regulating the use of and fixing the number of persons to be carried in such boats;

[Sub-s. (107) substituted by s. 2 (z) of Ord. 15 of 1975.]

- (108) for regulating, supervising and controlling undertakers;
- (109) for protecting from damage or interference any municipal works or property situated or being in, under or over any public or other place within the municipality;
- (110) for prohibiting, restricting or regulating the quarrying or excavation of stone, lime, clay or other material on any premises;
- (111) for preserving and protecting wild animals and wild birds, their nests and eggs within the municipality;
- (112) for prohibiting, restricting , and regulating the keeping of any wild animal or creature which has an inherent propensity to attack human beings or the keeping whereof is likely to become a nuisance or injurious to health or is fraught with danger to the inhabitants of the neighbourhood;
- (113) for preserving public decency, for prohibiting the sale or exhibition of indecent literature, pictures and devices and for prohibiting the sale of exhibition of pictures and devices of the nude;
- (114) for prohibiting or restricting the public exhibition by bioscope, cinematograph, magic lantern, or other mechanism, medium, or agency, or the public exhibition by tableaux, living pictures, bill posters, advertisements, or other illustration publicly displayed, of any prize fight or any other pugilistic contest or incident or incidents therein, or any such exhibition or representation or illustration as is contrary to good morals or public policy;
- (115) for prohibiting or restricting the public exhibition within the municipality of monstrosities, freaks of nature, or any abnormal person or animal which in the opinion of the council it is undesirable to be publicly exhibited;
- (116) for prohibiting mendicancy in any public place;
- (117) for regulating and supervising cobblers;

[Sub-s. (117) substituted by s. 2 (aa) of Ord. 15 of 1975.]

- (118) for regulating and supervising market agents;

[Sub-s. (118) substituted by s. 2 (bb) of Ord. 15 of 1975.]

- (119) except where otherwise provided for fixing a fee for each and every certificate issued by the council under this or under any other Ordinance;
[Sub-s. (119) amended by para. 4 of Proc. 34 of 1988.]
- (119)bis subject to the provisions of section 33 for regulating and controlling the furnishing of information from any of its records and for prescribing the fees payable in respect thereof; provided that no such by-law shall have the effect of obliging the council to furnish any such information;
[Sub-s. (119)bis inserted by s. 6 (5) of Ord. 11 of 1942.]
- (120) for regulating market gardens and for preventing and restricting the use by the owners, occupiers or cultivators of such gardens of fresh animal manure;
[Sub-s. (120) substituted by s. 2 (cc) of Ord. 15 of 1975.]
- (121)
- [Sub-s. (121) deleted by para. 10 (n) of Proc. 3 of 1992.]
- (122) except where otherwise provided in this Ordinance and subject to the provisions of section 64 (2) of the Licences Ordinance, 1974, to levy fees in respect of any matter, trade or occupation which the council is in terms of this Ordinance authorized to licence, control, regulate or supervise;
[Sub-s. (122) substituted by s. 2 (dd) of Ord. 15 of 1975.]
- (123) for controlling and regulating the installation and keeping on any premises to which the public have access, of any pin table, juke-box, slot machine or contrivance, which is designed or used for purposes of amusement or entertainment and the operation whereof involves the insertion of a coin, disc or token therein or in a device attached or accessory thereto;
[Sub-s. (123) amended by s. 9 (5) (a) and (b) of Ord. 12 of 1941, substituted by s. 6 (l) of Ord. 16 of 1955, by s. 7 (b) of Ord. 15 of 1961 and amended by s. 2 (ee) of Ord. 15 of 1975.]
- (124) for prescribing the manner in which any notice may be given or any document may be served;
- (125) for regulating the disposal of unclaimed articles or goods found at on or in any premises belonging to the council or under its control;
[Sub-s. (125) inserted by s. 6 (m) of Ord. 16 of 1955.]
- (125A) for prohibiting or restricting any act of any nature whatsoever by which or as a result of which the peace or good order in the municipality or the comfort, convenience, peace or quiet of the public may be disturbed or hindered;
[Sub-s. (125A) inserted by s. 9 (1) (f) of Ord. 24 of 1966.]
- (125B) subject to the provisions of the Factories, Machinery and Building Work Act, 1941 (Act 22 of 1941), and any regulation made in terms thereof for prescribing the maximum level of sound which may be created on or emitted from premises or any part thereof in relation to the ambient sound level in or in respect of a specified area or premises; for defining 'ambient sound level' and for regulating the manner in which and the place where the ambient sound level and the level of sound in excess of the ambient sound level, may be determined;
[Sub-s. (125B) inserted by s. 3 of Ord. 22 of 1977.]

- (126) generally for the good rule and government of the municipality. No such by-law shall be inconsistent with, contrary or repugnant to the provisions of this Ordinance or any other law in force within the municipality.

[Previous sub-s. (125) renumbered to sub-s. (126) by s. 6 (m) of Ord. 16 of 1955.]

112. **Persons making complaints of nuisances**

Any person aggrieved by the existence of a nuisance under this Ordinance or any by-law or regulation made under this Ordinance on any premises within the area of jurisdiction of a local authority may give notice thereof to the local authority concerned and if the said local authority fails within a reasonable time to cause such nuisance to be removed, such person may himself cause any necessary notice to be given to the owner or occupier of the premises on which the nuisance exists and may thereafter make a complaint to the magistrate of the existence of the said nuisance and the provisions of section one hundred and twenty-eight of the Public Health Act, 1919 shall apply *mutatis mutandis* to the said complaint.

133. **Power to undertake sewerage and drainage**

- (1) The council may erect, construct, equip and carry out sewerage or drainage works within or outside the municipality.
- (2) The council may contract in writing with any person outside the municipality or with the council of any other municipality or municipalities to receive into its sewers the sewage of such person, municipality or municipalities and to dispose of the same at any sewage farm or sewage disposal works established by the council upon such terms as may by such contract be agreed and may carry out all such work and do all such things as may be required for the due performance of such contract.
- (3) With the consent of the Administrator two or more councils may, upon such terms as such councils may by written contract agree, jointly erect, construct, equip and carry out sewerage or drainage works either within or outside the municipality under the jurisdiction of any such councils, and may jointly establish, maintain and carry on any sewage farm or sewage disposal works, in accordance with the provisions of section 136 that may be necessary or advisable for the requirements of the said municipalities.
- (4) In the event of any council entering into any contract such as is referred to in subsection (3) hereof, such council shall-
 - (a) notwithstanding anything to the contrary contained in this Ordinance be and it is hereby empowered:-
 - (i) by Agreement with the other contracting council or councils to appoint a joint committee composed of members of the respective contracting councils, to fix the number of such joint committee and to determine what its quorum shall be.
 - (ii) To elect from its own body representative on the said joint committee.
 - (iii) By agreement with the other contracting council or councils to make provision for the appointment of a chairman of the said joint committee who may or may not be a member of any of the contracting councils, to determine the method of appointment of such chairman and to determine whether or not such chairman be entitled to vote and/or to exercise a casting vote.

- (iv) To delegate its powers to erect, construct, equip, carry out and maintain the said sewerage or drainage works and to establish, maintain and carry on the said sewage farm or sewage disposal works to such joint committee, provided always that no expenditure shall be incurred by such joint committee unless provision has been made therefor and a detailed estimate submitted to the finance committee of each council represented on such joint committee and approved by each such council;
- (b) notwithstanding anything to the contrary contained in the Local Authorities Rating Ordinance, 1933, or any amendment thereof, be and it is hereby empowered to remit either wholly or in part, any rate or rates which have or may at any time become due from any other council in respect of any interest in land (as defined in the said Ordinance) owned or held by such other council in or in connection with any sewage or drainage works or sewage farm or sewage disposal works jointly controlled as aforesaid.
- (5) The provisions of sections 134 to 143 inclusive shall *mutatis mutandis* apply whenever anything is done or is proposed to be done or any work is carried out or is proposed to be carried out under the provisions of sub-sections (2) and (3) of this section. None of the councils concerned nor any other person shall be liable for any nuisance or damage which is the inevitable consequence of the proper and ordinary conduct of any sewage farm or sewage disposal works established, maintained or carried on in order to give effect to any contracts referred to in the said sub-sections. Any notice which the council is required to give under any of the said sections shall be a joint notice given by the councils concerned; any notice which is required to be served on the town clerk shall be served on the town clerk of each of the municipalities concerned; and any consent which any person is required to obtain under the provisions of section 140 shall be the consent of each of the councils concerned.

134. **Provisions as to carrying out sewerage and drainage work**

For the purpose of carrying out any drainage or sewerage works the council may-

- (a) cause such sewers, drains, and pipes to be made, laid, altered, deepened, covered, and maintained either within, or (subject to the provisions of sections 137, 138, and 139) outside the municipality as may be necessary for effectually disposing of the sewage of or draining the municipality or any portion thereof, or for effectually carrying out any contract which may have been entered into under the provisions of sub-section (2) or sub-section (3) of section 133, and from time to time cause to be made and maintained all such reservoirs, sluices, engines, ventilating shafts, and other works as may be necessary for cleaning and ventilating such sewers, drains, and pipes;
- (b) carry such sewers, drains or pipes through across, or under any public road, street, square, or open space, or any place laid out as or intended for a public road, street, square, or open place either within or outside the municipality, without paying compensation and, after giving reasonable notice in writing to the owner or occupier of their intention, perform the same acts in respect of any land within or (subject to the provisions of sections 137 to 139 inclusive) outside the municipality on making compensation for any damage done, the amount whereof, if not mutually agreed upon, being determined by arbitration, provided that, in determining any compensation payable by the council hereunder the existence of any sanitary passage through or over which the council has a right of access to any private land or building for the purpose of sanitary service and which right the council may be willing to surrender, shall be taken into account;

- (c) from time to time alter, enlarge, divert, discontinue, close up, remove or destroy any sewers, drains, or pipes under the control of the council;
- (d) within, or (subject to the provisions of sections 137 to 139 inclusive) outside the municipality construct any works for the purpose of receiving, storing, disinfecting, purifying, distributing, or otherwise disposing of any sewage or drainage;
- (e) in any case, where owing to the contour of the ground or for other reasons, it is difficult to connect for sewerage purposes any premises within the municipality direct with a public sewer maintained by the council, the council may subject to the provisions of sub-section (b) of this section make connections with and utilise any private drain on private ground so as to connect such premises with any public sewer; provided that upon such connection being made the said drain with which connection is so made shall, from the point of such connection to the point of junction with the public sewer, be considered and used as a combined or joint drain, and the cost of construction, repair and maintenance of such combined or joint drain shall, so far as the same shall not fall to be borne by the council, be paid and borne by the owners of premises respectively served thereby, in such proportions as the council shall from time to time adjust and settle.

135. Vesting of sewers in Council and right of access thereto

- (1) All sewers, drains, pipes, ventilating shafts or other conveniences for the disposal of sewage or drainage, constructed by or which are under the control of the council except such as may be constructed on private land for the owner thereof under the provisions of section 142 shall be vested in the council, and the council, or any other persons duly authorised by it, shall at all times have a right of access to private property for purposes of inspection, maintenance, alteration, or repair of such sewers, pipes, shafts, and other conveniences, and may do all things necessary to uncover and expose such sewers, drains, pipes, ventilating shafts, or other conveniences for the purpose of such inspection, maintenance, alteration and repair; provided that the council shall repair all damage caused by such entry and inspection.
- (2) Whenever sewerage or drainage works are carried out by two or more councils jointly under the provisions of sub-section (3) of section 133 the contract between the councils concerned shall state in which council or councils the property or any portion thereof referred to in sub-section (1) of this section shall vest and such property shall be so vested; and the rights conferred upon the council by this section shall be exercised by the said councils jointly.

136. Sewage farms

- (1) The council may maintain and carry on any sewage farm or sewage disposal works established at the commencement of this Ordinance and may establish and maintain and carry on any such sewage farms or sewage disposal works either within subject to the provisions of sections 137, 138 and 139, outside the municipality, as may be necessary or advisable for the requirements of the municipality or which may be necessary or advisable for the carrying out of any contract sub-section which may have been entered into under the provisions of sub-section (2) or sub-section (30) of section 133 and may either let any lands used as a sewage farm to tenants or may farm the same and dispose of the produce thereof within or outside the municipality or may use such lands for the purposes of grazing and neither the council nor any other person shall be liable for any nuisance or damage which is the inevitable consequence of the proper and ordinary conduct of any

sewage farm or sewage disposal works established, maintained, or carried on under the provisions of this section.

(2)

137. Notice before commencing any sewerage works outside municipal limits

The council shall, at least thirty days before commencing outside the municipality the construction or extension of any sewer or any other work for sewerage purposes, give notice of the intended work by advertisement in one or more local newspapers circulating in the area in which the work is to be done or if there be no such newspaper, then in one or more newspaper circulating in the municipality. Such notice shall describe the nature of the intended work, and shall state the intended terminuses thereof, and particulars of the roads, streets, squares, open spaces, and other land (if any) through, across, under, or on which the work is to be done, and shall name a place where a plan of the intended work is open for inspection at all reasonable hours; a copy of such notice shall be served on the owners or reputed owners, lessees or reputed lessees and occupiers of the land and on the local authority (if any) having the care of such roads, streets, squares, or open spaces.

138. Notice of objection by owner

If any such owner, lessee, or occupier, or any such local authority, or any other person who would be affected by the intended work, objects to such work and serves written notice of objection on the Administrator and on the town clerk at any time within the said period of thirty days, then the intended work shall not be commenced without the consent of the Administrator, unless such objection is withdrawn.

139. Inquiry by administrator and action thereon

The Administrator may appoint any person or persons to make an inquiry into the propriety of the intended work and the objections thereto, and to report to him on the matter, and on receiving the report of such person or persons, the Administrator may make an order, disallowing the intended work or allowing it with such modifications (if any) as he may deem necessary.

140. Offences and penalties

Any person who without the previous consent in writing of the council shall-

- (a) erect or cause to be erected any building or other structure over any sewer, drain, or pipe vested in or constructed under the authority of the council; or
- (b) excavate, open up, or remove, or cause to be excavated, opened up, or removed, the ground under or near to any such sewer, drain or pipe; or
- (c) make or cause to be made any opening into such sewer, drain, or pipe, for the purpose of discharging sewage or drainage into the same or otherwise; or
- (d) injure or destroy or cause to be injured or destroyed any such sewers, drains, or pipes or any works or things in connection therewith,

shall be guilty of an offense and liable to a fine not exceeding fifty pounds, and the council may alter, demolish, or otherwise deal with as it may think fit any building or structure so erected, fill in, and make good any such damage, or close any such opening into a sewer, drain, or pipe, and the expenses so incurred shall together with such fine be recoverable from the offender in any competent court.

155. Sanitary control of surface and underground mine workings

- (1) It shall be the duty of a local authority if required by the Administrator, to appoint some person duly qualified in sanitary work and approved by the Minister, to make regular and systematic inspections of the underground and surface workings of any mine within the area of jurisdiction of such local authority. The person appointed shall, for the purpose of duties in connection with such inspection, be styled a "mines sanitation inspector" and shall comply with such requests in connection with the inspection of underground and surface workings of mines within the said area as may be made by or with the authority of any officer of the Department, deputed thereto by the Minister. It shall be the duty of such inspector to take cognisance of any law with regard to the sanitation of underground and surface workings of mines or any regulations made or instructions issued thereunder, and to report to the local authority, to any officer of the Department, deputed thereto by the Minister, and to any other public officer whose duty it is to enforce the observance of any such law, regulations, or instructions, any breach of or failure to comply with the same, and so far as he may be empowered to do so by such officer of the department or other public officer aforesaid, to take all steps necessary to enforce the observance of and compliance with the provisions of the said law, regulations, or instructions.
- (2) where an inspector is appointed under this section, the local authority shall not prosecute any person or partnership or company for any breach of by-laws or regulations made in respect of the sanitation of underground or surface workings of mines under the provisions of this Ordinance, unless the local authority shall first have obtained the consent of any officer of the Department, deputed thereto by the Minister, to undertake such prosecution.
- (3) A mines sanitation inspector appointed under this section shall not be removed from his office by the local authority without the approval of the Minister.
- (4) This section shall not apply to any local authority which has appointed a person, certified by the medical officer of health of such authority to be duly qualified in sanitary work, to carry out the duties hereby assigned to a mines sanitation inspector, and thereafter continues to employ to carry out such duties a person so certified, unless it shall appear to the Minister after due inquiry by a person appointed for the purpose that such duties are not being efficiently carried out in the area of jurisdiction of such authority; provided that the local authority shall be entitled to receive fourteen days' notice of an inquiry proposed to be held under this sub-section, and to be heard by the person appointed to conduct such inquiry.

156. Power of Administrator where local authority defaults in matters of public health

If any local authority shall fail to do or carry out any work or which it is or may be empowered under this Ordinance or any amendment thereof, to do or carry out, or shall fail to make, alter, revoke or enforce any by-laws or regulations on any matters upon which it is empowered under this Ordinance to make, alter, revoke, and enforce by-laws or regulations, and such failure on the part of a local authority constitutes, in the opinion of any officer of the Department, deputed thereto by the Minister, a danger and menace to the

health of the public within or without its area of jurisdiction, the Administrator may give notice to the local authority in default, requiring it to take measures within its powers under this Ordinance or any amendment thereof, to abate and remove such danger; and if such local authority fail to take and properly carry out the required measures, the Administrator on satisfying himself that the local authority has so failed without reasonable cause, may-

- (a) proclaim such regulations as may be necessary to abate and remove such danger, which regulations shall, until repealed by the Administrator, thereupon have the force and effect of law within the area of jurisdiction of the said local authority;
- (b) authorise any person or persons to do or carry out any work or things and to expend such sum in so doing or carrying out works or things as to him may seem necessary provided that any money expended by the Administrator under this section shall be recoverable by the Administrator from the local authority on the order of any competent court in like manner as if the sum so expended was a loan secured on the property and revenues of the local authority under the provisions of section 52; provided further that in the case of a local authority for whose area of jurisdiction the provisions of the Local Authorities Rating Ordinance, 1933, or any amendment thereof do not apply, the Administrator may proclaim that the provisions of that Ordinance or amendment thereof shall apply for the purposes of assessing property within the area of jurisdiction of the said local authority, and of levying assessment rates on such property of such amount and for such period as shall produce a sum equivalent to the expenditure incurred by the Administrator under and for the purposes of this section; in default of the said local authority the Administrator may cause such assessment to be made, levied and collected in all respects as such local authority is empowered to do.

AMENDMENTS

Local Government Laws Amendment Act, 2002 (Act No 51 of 2002)