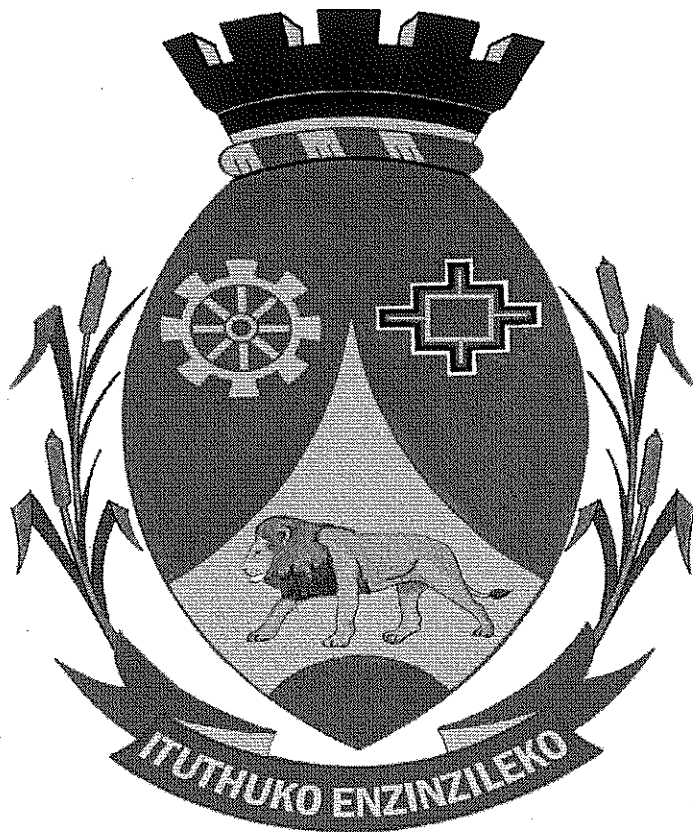


# **THEMBISILE HANI LOCAL MUNICIPALITY**



## **WORK IN ROAD RESERVE BY-LAW**



THE PROVINCE OF MPUMALANGA  
DIE PROVINSIE MPUMALANGA

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No. 2138

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

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affects  
us all



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struggle

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**CONTENTS • INHOUD**

No.

Page  
No. Gazette  
No.**LOCAL AUTHORITY NOTICE**

14 Constitution of the Republic of South Africa (108/1996): Thembisile Hani Local Municipality: By-laws .....	3	2138
Animal By-laws .....	3	2138
Barbers, Hairdressers and Beauticians By-laws .....	18	2138
Credit Control and Debt Collection By-laws .....	31	2138
Encroachment on Municipal Property By-laws .....	73	2138
Fixed Assets By-laws .....	91	2138
Funeral Parlours, Cemeteries and Crematoria By-laws .....	108	2138
Indigent By-laws .....	134	2138
Control of Outdoor Signs By-laws .....	141	2138
Property Rates By-laws .....	157	2138
Solid Waste Management By-laws .....	185	2138
Street Trading By-laws .....	220	2138
Tariff By-laws .....	230	2138
Water Supply and Sanitation Services By-laws .....	244	2138
Work in Road Reserve By-laws .....	287	2138

## **THEMBISILE HANI LOCAL MUNICIPALITY WORK IN ROAD RESERVE BY -LAWS**

Under Section 156 of the Constitution of The Republic of South Africa, 1996 (Act 108 of 1996), the Thembisile Hani Local Municipality enacts as Follows;-

### **TABLE OF CONTENTS**

1. Definitions
2. Principles and objective
3. Application

### **CHAPTER 1: WORK IN ROAD RESERVE**

4. Work in road reserve
5. Application to do work in road reserve
6. Permission to do work in road reserve
7. Protected and unprotected road
8. Lane rental
9. Existing service in road reserve
10. Traffic signs and barricading
11. Road closure
12. Excavations
13. Trenchless methods
14. Emergency work
15. General specifications for backfilling and reinstatements
16. Back filling of road
17. Re-using excavated material
18. Importing material
19. Foamed concrete
20. Back filling of footway
21. Permanent reinstatement of road
22. Permanent reinstatement of footway
23. Temporary reinstatement by contractor
24. Remedial work
25. Completion of work

- 26. Completion notice and certificate of completion
- 27. Performance specifications

## **CHAPTER 2: HOARDINGS**

- 28. Permit to hoard
- 29. Prescribed width of hoarding
- 30. Close hoardings
- 31. Corner hoardings
- 32. Hoarding entrances
- 33. Obstructing fire hydrants
- 34. Temporary footways
- 35. Lights on hoardings
- 36. Gutter to be kept clear
- 37. Removal of hoardings
- 38. Damage to kerbing and paving
- 39. Council may remove hoardings
- 40. Hoardings; Special construction
- 42. Deposits for footway damage
- 43. Planked shed, roof or gantry over side

## **CHAPTER 3; MISCELLANEOUS PROVISIONS**

- 44. Notice of compliance and representations
- 45. Costs
- 46. Authentication and service of notices and other documents
- 47. Appeal
- 48. Penalties
- 49. Short title and commencement

## DEFINITIONS

In the By-Laws, unless the context indicates otherwise-

- “Backfilling”** means the replacement of the structural layers in a trench or Excavation and includes the base, selected sub- grade, but exclude the surfacing;
- “Council;** means the Thembisile Hani Local Municipal Council or a service provider in respect of any power, function or duty of the council;
- “Emergency work “** means any work that is required to prevent or end a dangerous situation, to privet or end an unplanned in the supply of a Service, or to avoid any substantial losses, such as, but not limited to burst pipes;
- “ Lane rental’** means the rental that are paid to the Council by a service agency whose work in a road reserve results in time delay costs being Incurred by the users of the road reserve;
- “Protected road”** means a road which is of particular strategic importance or which poses special engineering difficulties and which has been Designated a protected a road by the council”
- “Protected road “** means a road which is of particular strategic importance or which poses special engineering difficulties and which has been designated a protected road by the council;
- “Reinstatement’** means, in the instance of a road ,to the replacement of the bituminous surfacing or paving blocks, and in the instance of a footway or verge ,to the replacement of the paving blocks ,paving slabs, bituminous surfacing or grass;

- “Road reserve”** means the full width of a public road, and includes the verge and the roadway;
- “Service”** means any system for supplying a public need that a service agency has on a road reserve;
- “Service agency”** means a municipal department, public agency or utility that has a service in a road reserve;
- “work in the road reserve”** means any activity, including but not limited to the activities provided for in section 4 of these By-laws, carried out within a road reserve

## **PRINCIPLES AND OBJECTIVES**

- 1) It is the duty of the Council, who is the custodian of all municipal road reserve, to control and co-ordinate all work in the road reserve and for these purposes the Council takes cognizance of the following:
  - a) The value of other services in a road reserve is often more than that of the road itself and therefore require as much or more maintenance, rehabilitation and replacement;
  - b) The activities contemplated in paragraph [a] may, together with the work that has to be carried out on the road itself, result in considerable delay, inconvenience, danger and additional costs to the road users; and
  - c) Any work that is done in a road reserve may have serious cost implications as a result of damage to road other service, damage to vehicles, injury to vehicle occupants or pedestrians, Reduction of the effective life of the road footway or other service, and time and social costs caused by delays.
- 2) The Council, in order to fulfill its duty contemplated in subsection [1] adopts these By-laws, thereby attempting to ensure maximum co-ordination and co-operation between all the various department departments and agencies that have to share the road reserve to provide service to

their customers, and to minimize the effect of all work in the road reserve to the benefit of all concerned, all Ratepayers, road users [motorists and pedestrians], service agencies and the Council, and for these purposes prescribe-

- a) The application procedure;
- b) The permission to be obtained;
- c) Procedures to follow while doing the work and on completion of the work; and
- d) The specifications according to which the work must be done.

### **3. APPLICATION**

- 1) The By- laws apply to a person who carries out work in a municipal road reserve in the municipal area of the Council, such as a municipal department an external organization , a service agency and a contractor.
- 2) These By-laws do not apply to work in a motorway reserve or in a national or provincial road reserve within the municipal area of the Council.

## **CHAPTER 1**

### **WORK IN ROAD RESERVE**

#### **4. WORK IN ROAD RESERVE**

Work in the road reserve comprises work relating to;

- a) the installation or maintenance of underground or overhead service by a municipal service agency and a non-municipal service agency, such as Telkom and Eskom ,or any person;
- b) the erection of a that requires approved building plans in terms of the National Building Regulations and Building Standards Acts, 1977 [Act 103 of 1977];
- c) The erection of an advertising sign, structure or hoarding that requires approval in terms of the relevant by -laws;



- d) Road works, such as construction of a new road, a road widening or access to a development, undertaken by a developer;
- e) A connection to municipal services, such as water, sewers, electricity and storm water drainage from a development;
- f) The installation of service by a private concern, such as but not limited to the laying of cables to connect different buildings;
- g) The installation or construction of kerbing; paving, a bollard, a wall, and a garden on a sidewalk by a property owner or occupier;
- h) The closure of a road;
- i) The putting in place of a traffic calming device; and such work includes, but is not limited to, the following activities;
  - i. The digging of a trench;
  - ii. tunneling;
  - iii. shaping and landscaping; and
  - iv. other work that may affect a motorist, cyclist, pedestrian, the road, a footway, kerbing, a traffic sign, traffic signal, street lighting, an underground or overhead service or a structure or service or that is contained within a road reserve.

## **5. APPLICATION TO DO WORK IN ROAD RESERVE**

- 1) A person who intends to carry out work in a road reserve [“the applicant”] must first obtain the approval of the Council for carrying out the intended type of work, and for these purposes must complete and submit to the Council a form similar to the form contained in Schedule 1, which schedule refers.
- 2) The Council may approve or refuse to approve the intended work, and must notify the applicant of its decision within 21 days after the form contemplated in subsection [1] had been submitted.
- 3) A person who carries out work in a work in a road reserve without having obtained the approval of the Council as contemplated in subsection [1] commits an offence.

## 6. PERMISSION TO DO WORK IN ROAD RESERVE

- 1) Once approval as contemplated in section 5 [2] has been obtained to carry out the intended type of work, the applicant [hereafter referred to as "the contractor"] must obtain the permission of the Council to commence with the work in a road reserve, and for these purposes must pay the processing fee contemplated in section 45 [1] and complete and submit to the Council a form similar to the form contained in Schedule 2, which schedule refers, and-
  - a) The form must be submitted timorously to ensure that permission is obtained before the work is programmed to start; and
  - b) No work may be done in the road reserve without the permission of the Council first having been obtained.
- 2) The following must be attached to the form contemplated in subsection [1];
  - a) The form contemplated in section 5 on which the approval of the Council appears; and
  - b) Three copies of an approved drawing which shows the following details of the proposed work;
    - i. A clear depiction of the proposed work;
    - ii. Where a service is to be installed;
    - iii. The depth of the service below the level of the surface of the road;
    - iv. The distance of the service from the road reserve boundary, such as the property Boundary;
    - v. The position and extent of all structures, including underground structures such as Manholes, chambers, and junction boxes; and
    - vi. The location of all other service in the road reserve.
- 3) The Council may refuse to grant permission for the intended work to commence, or May, if the intended work is not at variance with the principals and objectives or in contravention of these by -laws, grant permission on a form similar to the form in schedule 3, which schedule refers, to commence with the work in a road reserve.
- 4) The contractor must ensure that a copy of the form contemplated in subsection [3] is always on site when work is being done in the road reserve.

- 5) The contractor accepts full responsibility for all costs associated with the work, including any damages to another service the costs of relocation of another service, backfilling and reinstatements, tests and any claims that may result from the work.
- 6) Only work described in the form contemplated in the form contemplated in subsection [3] may be done and only at the locations stipulated in the form.
- 7) The work described in the form contemplated in subsection [3] must commence within 90 days of date of issues of the form, otherwise re-application is required.
- 8) The contractor must inform the Council 48 hours before he or she commences with the work
- 9) The work must be carried out according to the procedures and specifications in these by-laws, the conditions under which the work was approved, and any other requirements of affected service agencies
- 10) The Council must inform a relevant service agency in writing before work on the road reserve is connected, that may affect the service of the service agency in the road reserve.
- 11) The Council may stop work being carried out in the road reserve if the Council's permission had not first been obtained
- 12) A person who contravenes a provision of subsection (1)(b),(4),(6),(8) or (9) commits an offence

## **7. PROTECTED AND UNPROTECTED ROAD**

- 1) No digging of a trench is allowed on a protected road.
- 2) A protected road may only be crossed using a trench less method, however ,if a trench less method cannot be used for some reason in a protected road, special permission to excavate must be obtained from the Council
- 3) For the purpose of planning work done by a service provider road and a cal de sac, except the first 20 m from an intersection with any other class road considered to be protected, regarded as an unprotected road, unless it has been newly constructed, overplayed or resurfaced within seven years before the date of the proposed work, in which case it is regarded as a protected road.

- 4) If a road is protected it is indicated as such on the form contemplated in section 6 (3).
- 5) A person who digs a trench in contravention of subsection (1) or who contravenes a provision of subsection (2) commits an offence.

## 8. LANE RENTAL

- 1) Lane rental is based on a cost per lane, or part of a lane, occupied per day, or part of a day;
- 2) Occupied lane is considered as being not longer than one street block,
- 3) A prescribed fee must be paid by service agency to the Council and the Council may change the prescribed fee that differentiates between different road categories.
- 4) The Council and the service agency must, before the commencement of the work, agree on the days that will be allowed during which the work is to be completed.
- 5) The service agency must pay ,during the agreed days, lane rental that is equal to 50% of the time delay costs, however, after the agreed completion date , the lane rental will be 100% of time delay costs.
- 6) All costs will be based on average time delays costs that have been calculated for each road category. For example: if a lane is closed for two street blocks, then the cost will be for two lanes.
- 7) A service agency is entitled to a reduced rate when work on the road reserve is undertaken after normal working hours, however, the service agency must take precaution to avoid disturbance in a residential area.
- 8) For every day that work is done after hours and the lane is fully opened for all the normal hours of the following day, lane rental is 10 % of time delay costs.
- 9) for the purpose of calculating lane rental, normal hours are considered as being between 06;00 and 19;00 on Monday to Friday and between 06;00 to 14; 00 on Saturday however, these times are not fixed and may change depending on local conditions and special events in vicinity where work is to be undertaken.

- 10) The Council or organization working on behalf the Council is exempt from payment of lane rental when any construction, resurfacing, maintenance, improvement or rehabilitation work is being done on the road itself.
- 11) During the days that have been agreed to in terms of subsection [4], no lane rental is payable if all lanes are kept open at all times.
- 12)
- a) if work continues after the agreed completion date, lane rental of 25% of time delay costs may be charged if all lanes are kept open.
  - b) if a lane is closed for any part of a day, the normal lane rental of 50% of time delay costs for a full day may be changed before the official completion, date and 100% thereafter;
- 13) Lane rental may also be charged if a footway is affected by work.
- a) if the footway is totally closed so that pedestrians are required to use a traffic lane, and since the lane will not be available for vehicular traffic, lane rental is payable in the normal way for the occupation of a traffic lane.
  - b) if a footway is partially obstructed in such a way that it causes a delay for pedestrians, 50% of the lane rental that is applicable for that road shall be charged.
  - c) For the purpose of determining lane rental for a footway, a footway is considered that part of the verge that is normally used by pedestrians, and in the instance of a constructed footway, the whole constructed width is a footway.

## **9. EXISTING SERVICE IN ROAD RESERVE**

- 1) The applicant must obtain information from all service agencies supplying services within the municipal area of the Council on the location of their service, which must be indicated on the drawing contemplated in section 6[1] [b].
- 2) A Services agency may lay down additional condition relating to work in the vicinity of its service;

- 3) The applicant has to confirm on the form contemplated in subsection [1] that the necessary information has been obtained from the service agencies and must undertake to adhere to the additional conditions laid down by service agency.
- 4) A person who contravenes a provision of subsection [1] or makes a false entry on the form contemplated in subsection [3] or who does not adhere to additional conditions as contemplated in subsection [3] commit an offence.

## **10. TRAFFIC SIGNS AND BARRICADING**

- 1) In order to ensure the maximum safety for motorists, pedestrians and workers and the minimum disruption of vehicles and pedestrians, the contractor must comply with all laws regarding traffic, safety, and signs and barricading.
- 2) The contractor must take all necessary measures and provide all necessary facilities to ensure an adequately safe and easy passage for traffic and pedestrians through areas in which work is progress, or is uncompleted.
- 3) The erection and display of a traffic sign or barricading must be done according to the South African Roads and Traffic Signs Manual, Volume 2, Chapter 13.
- 4) The contractor must contract the relevant traffic authority to ensure that all requirements have been met for the particular location where the work is being done.
- 5) The contractor must ensure that work site is properly barricaded and signed irrespective of how long the work will last.
- 6) A contractor whom contravenes a provision of this section commits an offence.

## **11. ROAD CLOSER**

- 1) The granting of permission does not give the contractor the authority to close the road completely to traffic, and the contractor must determine methods of construction and a

programmer of work on the basis that no road, or portion of road, may be completely closed to traffic for any appreciable period.

2)

- a) In exceptional circumstances the Council may grant permission for the closure of a road or portion of road to traffic.
  - b) The contractor must apply to the Council separately for approval of such Closure two weeks prior to the road being closed.
  - c) Such a road closure may be approved for a specific period and is only valid for this specific period.
  - d) If the work is not carried out in this specific period, the contractor must again apply for permission for the closure of the road.
- 3) Work carried out on arterial, major collector and a road in the central business Districts are. To ensure free flow of traffic during peak hours, restricted to outside. The following period; from 6; 30 to 09; 00 and 15; 30 to 18; 00.
- 4) A contractor who fails to comply with the provisions of subsection [2] [b] or [d] or [3] Commits an offence.

## 12. EXCAVATIONS

- 1) The area that is excavated must always be kept to a minimum.
- 2) The width of a trench must be uniform in length and in depth so that the sides are parallel and vertical.
- 3) The top of a trench must be cut with a saw to ensure smooth, uniform edges.
- 4) The minimum depth that a service may be placed under a road is 800mm measured from the level of the surfacing of the road to the top of the service, and the minimum depth at any other

place in the road reserve, such as on a verge, is 800mm measured from the level of the surfacing of the road and not from natural ground level.

- 5) A service not subject to being laid at a specific grade, such as water pipes and cables, may not be placed at a depth in excess of the 800mm as this could interfere with future Service that have to be laid at a specific grade, such as sewers and storm water pipes.
- 6) All excavated material and equipment must be placed and demarcated in such a way as to cause the minimum disruption to vehicles and pedestrians.
- 7) A safe passage must be kept open for pedestrians at all times;
- 8) The contractor is responsible for any damage to an existing service
- 9) A service indicated on the drawings or on site by representatives from the relevant service agency, must be opened by careful hand digging, however, if the services cannot be found, the relevant organisations, must be contacted again for further instruction.
- 10) Under no circumstances may a contractor dig with mechanical equipment before a known service has been found and marked, and when found, the service must be marked and protected or supported as required by the owner.
- 11) Should a service need to be moved, instructions from the owner must be followed carefully, and the contractor is responsible for all movement costs.
- 12) If a service is damaged during excavations, the relevant service agency must be contacted immediately;
- 13)
  - a) The contractor must take adequate preventative measures to ensure that no water whatsoever flows into the open trenches so as to result in the weakening of the structural layers of the road
  - b) Any water that is present in the trenches must be pumped out before backfilling
  - c) Water must be pumped into the storm water system and may not be pumped into sewer manholes
  - d) Any material that has become wet must be removed from the bottom of the trench before backfilling
- a) The contractor must prevent foreign materials from entering a drain and ensure that silting does not occur either from pumping operations or as a result of rain
- b) If any silting or other contamination does occur, the contractor must clean the drain or request the Council to do it at the cost of the contractor



- 14) All re-usable materials, such as concrete blocks, slabs, kerbs, gutters, channels and storm water inlets must be removed with care and re-used if possible
- 15) If any street furniture, such as a street name, a traffic sign, or a bus shelter, has to be removed, arrangements must be made with the Council for the removal, storage and re-erection, at the contractor's cost.
- 16) Where an excavation is made through an entrance to a property, access must be maintained by using steel plates, or other temporary bridges of sufficient strength and properly secured against movement, and the occupant of the property must be kept informed at all times of how his or her access will be affected.
- 17) An underground service must have not less than 800mm cover, and a manhole valve cover must be finished flush with the surface of the road or verge
- 18) A contractor who does not comply with a provision of this section commits an offence

### 13. TRENCHLESS METHODS

- 1) If a trench less method is used, disruption of traffic flow and pedestrian movement must be reduced as possible by using the necessary equipment and expertise to complete the work successfully.
- 2) A trench less method must be used for a road classified as protected road
- 3) The position of an existing service must be located accurately, and if a service is damaged, the contractor is responsible for all costs
- 4) The depth to top of a tunnel that is drilled for the installation of a new service, must be at least 800mm measured from the level of the surfacing of the road
- 5) A contractor who does not comply with a provision of subsection [1], [2] or [4], commits an offence

#### 14. EMERGENCY WORK

- 1) The contactor must inform the Council in writing within 24 hours from commencing with work on an emergency
- 2) If Council is not informed within 24 hours from the first working day, the work will be reinstated by the cost thereof will be invoiced against the service agency

#### 15. GENERAL SPECIFICATIONS FOR BACKFILLING AND REINSTATEMENTS

- 1) Backfilling and reinstatement as a trenching activity that disturbs the structural integrity of a road or footway, must be done in such a way as to ensure that the reinstated trench and its immediate surroundings do not fail structurally, thus resulting in road user discomfort and increased costs
- 2) The contractor must in all cases do backfilling in accordance with the specification in subsection [7] and section 16, applicable
- 3) Permanent reinstatement be done by the Council or by the contractor, provided that the contractor has the necessary expertise and experience required
- 4) Permanent backfilling and reinstatement [100mm asphalt layer ] done by the contractor is subject to a guarantee period of one year based on the performance specifications described in section 27
- 5)
  - a) Where the permanent reinstatement must be done by the Council , the contractor must do a temporary reinstatement as specified in section 23
  - b) The contractor shall be charge for the permanent reinstatement at the applicable Rates appearing on the form contemplated in section 6[1] [b];
  - c) A Reinstatement Order must be submitted together with the Completion Notice;
  - d) The temporary reinstatement shall be removed by the Council and the Backfilling shall be tested, and should the backfilling not comply with the applicable specification, it shall b replaced at the costs of the contractor which costs are over and above the normal reinstatement costs?

- 6) Temporary reinstatement must be done where the contractor abandons the site for a for a period not exceeding two months view of returning to complete the work, and the contractor must maintain this temporary reinstatement;
- 7) The trench bottom must be prepared and compacted according to the service agency's own requirements to ensue that the service is not damaged, and applies to the backfilling around the service;
- 8) Where a service with a diameter of more than 300mm is installed, the sub grade material used for the reinstatement must be soil Crete [in- situ material mixed with 8% cement], place with poker vibrators, up to a level of 300mm above the top of the service;
- 9) A contractor who does not comply with a provision of subsection [1], [2] [5] [a],5 [c], [6] , [7] or [8] commits an offence

## **16. BACKFILLING OF ROAD**

1. The minimum requirements of the Council are that the structural layers of the backfilling trench, which structural layers are the base, sub-grade and sub-grand down to a depth of 800mm below the level of surfacing of the road, must have at least the same shear strengths as those of the adjacent undisturbed structural layers.
2. The contractor must use one of the following types of materials to ensure adequate shear strengths in trench backfills;
  - a) Importing material [section 18]; or
  - b) Formed concrete [section 19]
3. A contractor who does not comply with a this section commits an offence

## 17. RE-USING EXCAVATED MATERIAL

- 1) ]During excavation of the trench, the material from ~~the~~ top 400mm of the excavation [or in the case of arterials, collectors and Industrial Street, the top 550mm] must be stockpiles separately from the rest of the material being excavated
- 2) The material contemplated in subsection [1] must then be improved through chemical stabilization with cement and used for the base and sub-base layers during backfilling, and in the case of arterial, collectors and industrial streets also for the selected sub-grand layers
- 3) The requirements for this method are given in Figure 1 in Schedule 4 which refers
- 4) If the material is not stockpiled separately during excavation, the Council may required that material with the required properties be imported
- 5) Material that was originally stabilized may not be re- used and must be discarded
  - a) The contractor must ensure that the top 400mm [550mm for an industrial street ] must be stockpiles separately and stabilized 4% Ordinary Portland cement approximately 80kg \m of cement
  - b) The material must be compacted in thin [75 to 100mm] layers with a densities [base; 90%, sub base; 95% selected sub grade; 93% and sub grand; 90%Mod. American of State Highways and Transportation Officials] to within 100mm of the existing road surface
- 6) A contractor who does not comply with a provision of this section commits an offence

## IMPORTING MATERIAL

- 1) Water must be uniformly mixed into the material and must then be placed in the trench in 75mm to 100mm layers and compacted to the required Mod American Automobile of state Highways and Transportation Officials densities as specified in Figure 1, Schedule 4
- 2) The final layer must be finished to a level 100mm below the level of the surrounding sound surface of the road
- 3) A contractor who does not comply with a provision of this section commits an offence commits an offence

## 19. FOAMED CONCRETE

- 1) Foamed concrete of minimum 4 Mega- Pascal crushing strength and manufactured to an approved manufacturer's specification must be used
- 2) The foamed concrete must be placed to a level 100mm below the level of the surrounding sound surface of the road, and as soon as the foamed concrete has set sufficiently a 70mm layer of asphalt base course material must be placed on top followed by a 30mm layer of continuously graded asphalt wearing course material
- 3) A contractor who does not comply with a provision of this section commits an offence

## 20. BACKFILLING OF FOOTWAY

- 1) Where there is no possibility of a vehicle crossing a footway, the footway must be backfilled using the excavated material placed in the trench in 150mm layers and compacted to 90% Mod American Automobile of State Highways and Transportation Official density [maximum Dutch Cone Perimeter Penetration of 14mm \blow]
- 2) Where there is a possibility of a light vehicle such as a car or light delivery van crossing the footway, where there is typically mountable kerbing, the footway must be backfilled as specified in section 18 or as specified in section 19 according to the standards for Local Street
- 3) Where heavy vehicles make use of a footway such as loading zone in industrial areas, the footway must be backfilled as specified in section 18 or as specified in section 19 according to the standards for Local Street
- 4) An excavation in an unobstructed verge must be backfilled in such a way that the verge is in the same condition after backfilling as it was before excavation and-
  - a) all excess material must be removed and may not be spread over the verge; and
  - b) Topsoil must be removed and stored separately and replaced as the final layer
- 5) A contractor who does not comply with this section commits an offence

## 21. PERMANENT REINSTATEMENT OF ROAD

- 1) The same method of reinstatement must be used in all instances, irrespective of the method of backfilling of the structural layers
- 2)
  - a) The permanent reinstatement of the surfacing must consist of 100mm hot- mix asphalt
  - b) The lower 70mm must be "black base" [26, 5mm normal stone size, continuously graded;
  - c) Cold mix may only be used for temporary reinstatements, and both these surfacing layers must be compacted to 95% Marshall Density
- 3) The reinstated surfacing must be at least 100mm wider than the trench on both sides to accommodate any edge breaks where saw cutting was not possible
- 4) The top 100mm of the trench must be backfilled by the contractor, compacted and maintained in a serviceable condition for a period fourteen days after the Completion Notice has been submitted IN ANOTHER PLACE THE CODE SAYS; The reinstatement [100mm asphalt layer] of the surface will be done by the Road Authority unless specific permission is granted to the applicant to do the work
- 5) The material used for the reinstatement of the surfacing must comply with the relevant requirement of Section 4200; Asphalt Base and Surfacing of the Committee of Land and Transport Officials or its successor in title, Standard Specification for Road and Bridge Works
- 6) In the case of a road surface with interlocking paving blocks, the material removed during the excavation of the trench must be re- used, however, where new material has to be used, these must be of the same type and size as the existing material and must comply with the requirement of SABS 1058-1985 as amended
- 7) A contractor who does not comply with a provision of this section commits an offence

## 22. PERMANENT REINSTATEMENT OF FOOTWAY

- 1) All the material removed during the excavation of the trench must be re- used, however, where new material has to be used, these comply with the following requirements:
  - a) Precise concrete Krebs and channel must comply with the requirement of Section 2300; Concrete Kerbing, Concrete Linings for Open Drains of the Committee Of Land and Transport

Officials Standard Specification for Road and Bridge Works And all Cast in-situ concrete must be Class 25\19

- b) Concrete paving blocks must comply with the requirement of SABS 1058- 1985 As amended
- c) Cast in- situ concrete must comply with the relevant requirements of section 6400; Concrete for Structure of the Committee of Land and Transport Official Standard Specification for Road and Bridge Works, and all cast in-situ concrete Must be Class 25 \ 19
- d) Precast concrete paving slabs must comply with the requirements of SABS 541-1971 as amended
- 2) A constructed footway must be reinstated with the same surfacing materials that existed originally such as concrete blocks or slabs, if undamaged, or else replaced with similar materials, and the supporting layers must be compacted to obtain shear strengths at least equal to those of the adjacent undisturbed footway
- 3) Where a private driveway or footway or with not-standard materials are to be intended work, and the owner must supply the contractor holder with the materials that are to be used for the reinstatement
- 4) Where an unobstructed verge has an established lawn, this must be removed, stored and replaced in sods in such a way that the lawn the same condition after reinstatement as it was before excavation, however, the sods should be allowed to dry out or become damaged in any way, they must be replaced with similar sods
- 5) If an unobstructed verge has been planted with garden vegetation, to obtain instructions on what to do with the plants that are affected, and every effort must be made to preserve all plants
- 6) A contractor who does not comply with a provision of this section commits an offence

#### **24. TEMPORARY REINSTATEMENTS BY CONTRACTOR**

- 1) If the permanent reinstatement is to be done by the Council, the contractor must do temporally reinstatement is to be done by the Council, the contractor must do temporary reinstatement with a suitable material [preferably could mix asphalt] that is compacted to an adequate density to ensure that it will carry the traffic for a period of at least two weeks without deforming or potholing

- 2) The temporary reinstatement must be maintained by the contractor in a serviceable condition for a period of two weeks from the date that the Completion Certificate has been issued by the Council, and after the two-week period the maintenance will be taken over by the Council

## 24. REMEDIAL WORK

- 1) Remedial work is required if any of the following exists;
  - a) A depression;
  - b) A hump [crowing];
  - c) An edge depression [trip, vertical discontinuity] at the interface; or
  - d) Cracking
- 2) A depression or hump is measured with a straight edge across the reinstatement and requires remedial work if the limits as specified in Schedule 8, which schedule refers, are exceeded over 100mm or more of the length of the trench
- 3) Remedial work is required if a depression result in standing water wider than 500mm or exceeding one square meter 2 hours after rain has stopped
- 4) An edge depression exceeding 10mm over 100mm or more of the length of the trench requires remedial work,
- 5) An open crack wider than 3mm and longer than 100mm is required remedial work
- 6) A contractor who does not comply with a provision of subsection [1], [3], [4] or [5] commits an offence

## COMPLETION OF WORK

- 1) On completion of the work the contractor must ensure that all trenches and excavations in the road reserve are backfilled and reinstated according to the specifications contained in these by-laws



- 2) Permanent reinstatements may be done by the Council at the cost of the contractor, or by the contractor
- 3) The diction on who does the permanent reinstatement lies with the Council
- 4) A contractor who does not comply with a provision of subsection [1], or who fails to do permanent reinstatement if required to do so in terms of subsection [3] commits an offence

## **6. CAMPETION NOTICE AND CERTIFICATION OF COMPLETION**

- 1) On completion of the work and temporary or permanent reinstatement, as applicable, the contractor must complete and submit, within 24 hours, a notice similar to the notice contained in Schedule 5, which schedule refers, to the Council, and should the Council have to the reinstatement, a Reinstatement Order as contained in the Schedule 6, which schedule refers, must accompany abovementioned notice
- 2) On receipt of the contemplated in subsection [1], Council shall set up a site meeting together with the contractor to do an inspection and to issue the Certificate of Completion. if all requirement have been met, at which time the 12- months guarantee period for permanent reinstatements or the 2- weeks maintenance period for temporary of the work means that –
- 3)
  - a) all work has been completed;
  - b) All materials, equipment and rubble have been removed;
  - c) The site is completely cleared and; and
  - d) The contractor has done either the permanent or temporary reinstatement, as Applicable
- 4) If work involved more than one street link [street block], then a completion notice must be submitted after completion of each link
- 5) The Council shall issued a Certificate of Completion as contained in Schedule 7, which schedule refers, once all requirement have been met [4] A contractor who does not comply with a provision of subsection [1] or [4] commits an offence

## 27. PERFORMANCE SPECIFICATIONS

- 1) The Council shall for a period of 12 months monitor the performance of any backfilling done or any trench permanently reinstated by the contractor, during which period the contractor holder is responsible for any remedial work that may be required
- 2) The following tests used for quality control [density or shear strength] shall be used to determine whether or not the work was done according to specification however, the Council may do additional tests if the quality control tests are not considered to be adequate;
  - a) Quality control of the backfilled structural layers shall be done by measuring the shear strengths of the adjacent structural layers as well as that of the backfilled Layers
  - b) The shear strength shall be measured with a Dutch Cone penetrometer or a Rapid Compaction Control Device
  - c) Although the shear strengths of the backfilled layers, an indication of probable Acceptance on most roads can be obtained from the typical Dutch Cone Penetrometer and Rapid Compaction Control Device.

## CHAPTER 2 - HOARDINGS

28. Every person who erects, removal, alters, repairs or paints any building or carries out any excavation on any such work, part of which is within 2m of a street must, before he or she commences any such work, enclose or cause to be enclosed a space in front of part of such building

- 1) If the enclosure occupies or projects over a portion of a street, such person must apply for a permit contemplated in subsection [3], however, if the person doing the application is not the owner of the building or land on which the work is done or is to be done, the owner must, to acknowledge that he or she is aware of it, countersign the application
- 2) No person may erect in any street any hoarding, fence or scaffolding or any planked shed for any purpose whatsoever or make any enclosure for the purpose of depositing Building or other materials or plant outfit for any other purpose of written permit first having been obtained from the Council

- 3) No demolition work may be commenced without a written permit first having been obtained from the Council
- 4) Every permit granted by the Council in terms of subsection [3], must specify the area and precise position of that part of a street where the enclosure, overhanging or covering of which is permitted and the period for which the permitted is granted.
- 5) On the granting of a permit contemplated in subsection [3] , a fee is payable for every week or part of a week of the currency of the permit by the person to whom the permit is granted , which fee shall be calculated in the case of a hoarding , fence , or scaffolding at the rate of 6c for every m of a street enclosed , overhung ,covered or in any way obstructed thereby , and in the case of a planked shed which does not obstruct a street , at the rate of 3c for every m of the street overhung or covered thereby .
- 6) The person to whom a permit is granted in terms of this section , if he is a different person , and the owner of the land on which building operations to which the permit relates are carried on ,are jointly and severally liable for the fees prescribed by this section .
- 7) The Person to whom the permit is granted must pay in advance in respect of every parking meter, the removal whereof has been so necessitated, the charges assessed by the chief traffic officer or any or any other person duly authorized thereto by the Council, regard being had to charges prescribed by the Council for parking regulated by meter.
- 8) The Council reserves the right to withhold the issue of the permits required in terms of this section until all fees and charges have been paid and the acceptance of any such permit by the applicant without demur shall be taken to indicate that all Krebs, Gutters and other and other works were in good order and condition on the date of such permit.
- 9) A person who does not comply with a provision of subsection [1], [3] or [4] or who fails to comply with a condition contemplated in subsection [5] commits an offence.

## 29. PRESCRIBED WIDTH OF HOARDING

- 1) The extent of ground forming portion of the street which is allowed to be occupied as aforesaid may not in any case exceed 3.5m in width, measured from and at right angles to the frontage of the ground adjoining the public sidewalk and in length must extend along so much of the purpose of depositing bricks, lime, rubbish or any other materials or plant in connection with such building, removals, alterations or repairs.

- 2) The Council may, in its discretion, permit a greater width of hoarding than is provided in subsection [1].
- 3) A person who does not comply with a provision of subsection [1] commits an offence.

### 30. CLOSE HOARDINGS

- 1) Any portion of the street for use whereof a permit is given as aforesaid must be forthwith enclosed, by the person obtaining such permit, with a hoarding or close fence of such construction and appearance as is necessary.
- 2) Any such hoarding or fence may not be less than 2m nor more than 3m high, excepting in the cases for which special provision is made hereinafter, and such hoarding or of a crowd of people and must be maintained standing and in good condition to the satisfaction of the Council to protect the public and traffic .
- 3) A person who does not comply with a provision of this section commits an offence

### 31. CORNER HOARDINGS

- 1) In the case of corner stands, the hoarding or fen must be splayed off at the angle from the frontage line in each line in each street, and the height of the portion of the hoarding so spayed and along the other frontages for a distance of 1,5m front each angle must be 1, 25m in height neither more not less, except in the cases for which special provision is made as contemplated in section 40, and all angles of hoardings must be spayed off at an angle of 45 degrees at distance of not less than 1,5m from the point at which such hoarding would intersect were it not splayed off.
- 2) A person who does not comply with a provision of subsection [1] commits an offence.

### 32. HOARDING ENTRANCES

- 1) Not more than one opening in any hoarding is allowed for each 15m of frontage; and such opening may not exceed 4m in width and must be securely closed each day at sunset and remains closed unit sunrise the following morning.

- 2) A person who does not comply with a provision of subsection [1] commits an offence.

#### **34. TEMPORARY FOOTWAYS**

- 1) In all cases in which the footway or sidewalk will be obstructed or rendered useless by the granting of the said permit, the person obtaining such permit must cause to be put up outside the hoarding or fence above- mentioned and must maintain in good condition during the time for which permit runs, a convenient platform an hand rail with posts and supports to serve as a way for pedestrians.
- 2) Such pedestrian way must be made and maintained, and-
  - a) must be at least 1,5m in width;
  - b) the posts and handrails may not be les than 75mm by 75mm;
  - c) the posts may not be more than 2m apart; and
  - d) the handrail must be wrought smooth with edges rounded or beveled.
- 3) The whole of the footway between the rail and the hoarding must be strongly boarded so as to form a safe and rigid part for pedestrians.
- 4) A person who does not comply with a provision of this section commits an offence.

#### **35. LIGHTS ON HOARDINGS**

- 1) Any person obtaining such permit as aforesaid must at sunset place suitable and sufficient lights upon such hoardings and temporary footways, and must keep them well lighted during the night until sunrise.
- 2) A person who does not comply with a provision of subsection [1] commits an offence.

## **6. GUTTER TO BE KEPT CLEAR**

- 1) The channel or bridge adjoining the footway may not be obstructed but must be kept clear of rubbish and building material by the person obtaining such permit as aforesaid, and in case there is no properly formed street gutter, the person obtaining such permit must construct and keep clear a channel adequate to allow all surface water to flow freely.
- 2) A person who does not comply with a provision of subsection [1] commits an offence.

## **37. REMOVAL OF HOARDINGS**

- 1) At the end of the time for which the permit has been granted, the hoarding, platform, handrail, posts, temporary footway, all and materials, as well as all building and other materials and rubbish on the ground for the enclosure whereof such permit has been granted, must be removed by the person to whom such permit has been granted, at such convenient time or times as the Council may approve.
- 2) In no case may any material or rubbish be left on the footway and for more than eight hours after the removal of the hoarding, and the footway and the street must be left perfectly clear, and must, together with the kerbing and guttering, be restored to the condition in which it was before such permit was granted.
- 3) In the event of any default to remove any of the aforesaid, or to restore the roadway, Footpath kerbing and guttering, or any of them, to their formed condition, the person commits an offence and the Council shall effect such removal and restoration at the cost of the person to whom such permit has been granted.

## **38. DAMAGE TO KERBING AND PAVING**

- 1) Any person who, whether as owner, builder, contractor or subcontractor, carries on or is engaged in any demolition, excavation, building, renovation or other operation on any site-
  - a) must afford sufficient and effective protection to kerbing adjacent to the site upon which such operations are in progress during the course of such operations by means of timber beams at least

114mm by 75mm set on edge and secured so as project at least 50mm above the top of the kerbing and clear of the waterway of the street gutter or channel;

- b) must refrain from removing any kerbing or paving for any purpose whatsoever Without the Council's consent;
- c) notwithstanding the provisions of section 41 is liable jointly and severally in Respect of any damage caused by such operations including the delivery adjacent to the site upon which such operations in progress;
- d) must, where vehicle cross a footway to the site where such operations are in Progress, if so directed by the Council, provide a drive- way which is paved in accordance with the provisions of section 22

- 2) A person who does not comply with a provision [1] commits an offence.

### **39. WHEN COUNCIL MAY REMOVE HOARDINGS**

- 1) The Council has the right to remove or to be removed, any hoarding or obstruction upon a street if public safety or convenience so require, notwithstanding that a permit may have been granted for such hoarding or obstruction.
- 2) The Council may remove hoardings for which permits have been given if they are constructed or used otherwise than in accordance with these by- laws and otherwise than for the purpose and under the conditions set forth in the permit granted in pursuance of these by- laws.
- 3) The expense of removal is recoverable from the person who obtained the permit.

### **40. HOARDING; SPECIAL CONSTRUCTION**

- 1) The Council has the right in special cases to require the erection of hoardings or other erections of special height and construction, where such is necessary for the public safety or in order to minimize obstruction to traffic.
- 2) A person who does not comply with a requirement contemplated in subsection [1] commits an offence.

## **1. DEPOSITS FOR FOOTWAY DAMAGE**

2. Where any demolition, excavation, building, renovation or other operation is to be carried on any site, the owner of the building or the person responsible for any such operation must deposit with Council a sum of money estimated by the Council's engineer to be equal to the cost of constructing the street paving, kerbing and guttering adjacent to the site on which such operations are to be carried on.
3. On failures of the owner of the building or the person responsible for the operations referred to in subsection [1] to repair any damage caused by such operations to paving, kerbing or guttering, such damage may be repaired by the Council and the cost thereof recovered from the deposit made in terms of that subsection.

## **42 .REMOVAL OF HOARDINGS FIXED WITHOUT PERMIT**

In the event of any person without previously obtaining a permit in writing from the Council as aforementioned, erecting or placing or causing to be erected or placed in any street, public road, square, footway or other public place within the area of jurisdiction of the Council, any fence, scaffolding, hoarding or other obstruction, the Council has the right to have the same immediately removed at the expense of such breach of these by-laws.

## **43 .PLANKED SHED, ROOF OR GANTRY OVER SIDEWALKS**

1. Whenever a building, excluding one storey in height, is erected, raised or demolished within 2m of any street or public place, or in such city areas in such streets as may be necessary, the builder, contractor or demolisher, erecting, raising or demolishing such building must erect and maintain during such erection, raising or demolition a planked shed, roof or gantry, formed of at least 38mm planking on posts at least 150mm by 114mm and beams at least 150mm by 75mm in sectional area, over the footway in front of the premises or over the platform as prescribed in these by- laws, having a clear internal width of not less than 1,5m and a clear internal height of not less than 2,5m for pedestrians.
2. No portion of such planked shed, roof or gantry may be less than 230mm from the outside edge of the kern.



3. A drawing showing the requirements of the Council can be seen in the offices of the Council's engineer, and any permit or license to erect hoarding in any street is subject to the observance of such requirements and to the pedestrian footway being kept unobstructed and accessible for used by pedestrians at all times.
4. A person who does not comply with a provision of subsection [1] or [2] commits an offence.

### **CHAPTER 3 - MISCELLANEOUS PROVISIONS**

#### **44. NOTICE OF COMPLIANCE AND REPRESENTATIONS**

- 1) A notice of compliance must state-
  - a) the name and residential and postal address, if either or both of these be known, Of The affected person;
  - b) the condition which has not been complied with and which is imposed in terms Of these by-laws, or the provision which has not been complied with in terms of These by- laws;
  - c) in sufficient detail to enable compliance with the notice, the measures required to Remedy the situation;
  - d) that the person must within a specified time period take the measures to comply With the notice, to diligently continue with the measures, and to complete the Measures before a specified date;
  - e) that failure to comply with the requirements of the notice within the period Contemplated in paragraph [d] is an offence;
  - f) that written representations, as contemplated in subsection [3], May within the Time period stipulated under paragraph [d] above, be made to Council at a specified Place.
- 2) Council, when considering any measure or time period envisaged in subsection [1] [c] and [d], must have regard to-
  - a) the principles and objectives of these by-laws;
  - b) the nature of the non-compliance;

- c) any measures proposed by the person on whom measures are to be imposed; and
  - d) any other relevant factor.
- 3) A person may within the time period contemplated in paragraph [a] [f] make representations, in the front of a sworn statement or affirmation to Council at the place specified in the notice.
  - 4) Representations not lodged within the time period will not be considered, except where the person has show good cause and Council condones the late lodging of the representations.
  - 5) Council must consider the representations and any response thereto by an authorized official or any other person, if there be such a response.
  - 6) Council may, on its own volition, conduct any further investigation to verify the facts if necessary, and the results of the investigation must be made available to the person, who must be given an opportunity of making a further response, if he or she so wishes, and Council must also consider the further response.
  - 7) Council must, after consideration of the representations and response, if there be such a response, make an order in writing and serve a copy of it on the person.
  - 8) The order must-
    - a) set out the findings of Council;
    - b) confirm, alter or set aside in whole or in part, the notice of compliance; and
    - c) specify a period within which the person must comply with the order made by the Council
  - 9) If the notice of compliance is confirmed, in whole or in part, or is altered but not set aside, of Council will inform the person that he or she-
    - a) must discharge the obligations set out in the notice; or
    - b) may elect to be tried in court.

- 10) If the person elects to be tried in court he or she must, within seven calendar days, notify Council of his or her intention to be so tried.
- 11) If the person does not elect to in court, he or she must, within the prescribed manner and time discharge his or her obligations under the order.
- 12) Where there has been no compliance with the requirements of a notice, the Council may take such steps as it deems necessary to remove the remedy the situation and cost thereof must be paid to the Council in accordance with section 45.

#### 45. COSTS

- 1) The processing fee is a fixed amount that is determined by the Council from time to time and which is payable by the applicant when submitting the form contemplated in section 6 [1] [b].
- 2)
  - a) When Council does the permanent reinstatement, the cost involved is payable by the contractor, and the cost is determined by using the relevant reinstatement rates, which are determined by the Council from time to time, appearing on the form contemplated in section 6 [1] [b].
  - b) The form contemplated in section 6 [1] [b] must be accompanied by official order for an amount based on the expected area to be reinstated, and the final invoiced amount payable is determined using the measured area of the final reinstatement as agreed between the Council and the service agency.
- 3) Should a person fail to take the measures required of him or her by notice, Council may, subject to subsection [4] recover all costs incurred as a result of it acting in terms of paragraph 44 [12] from that person.
- 4) The costs claimed must be reasonable and may include, without being limited to, costs relating to labour, water, equipment, administrative and overhead costs
- 5) If more than one person is liable for costs incurred, the liability must be apportioned among the persons concerned according to the degree to which each was responsible for the situation resulting from their respective failures to take the required measures

#### 46. AUTHENTICATION AND SERVICE OF NOTICES AND OTHER DOCUMENTS

- 1) A notice or other document requiring authentication by Council must be signed by the municipal manager or by a duly authorized officer of Council, such authority being conferred by resolution of Council or by a By- law or regulation, and when issued by Council in terms of these By- laws is deemed to duly issued if it is signed by an officer authorized by Council.
- 2) Any notice or other document that is served on a terms of these by- laws is regarded as having been served –
  - a) when it has been delivered to that person personally;
  - b) when it has been left at that person's place of residence or business in the Republic With a person apparently over the age of 16 years;
  - c) when it has been posted by register or certified mail to that person's last known Residential or business address in the Republic, and an acknowledgment of the Posting thereof the postal service is obtained;
  - d) if that person's address in the Republic is unknown, when it has been served on That Person's agent or representative in the Republic in the manner provided by Paragraphs [a], [b] or [c];
  - e) if that person's address and agent or representative in the Republic is unknown, When it has been posted in a conspicuous place on the property or premises, if any, To which it relates;
  - f) in the event of a corporate, when it has been delivered at the registered office of The business premises of such body corporate; or
  - g) when it has been delivered, at the request of that person, to his or her e-mail Address
- 3) Service of a copy is deemed to be service of the original
- 4) When any notice or other document must be authorized or served on the owner, occupier, or holder of any property, or right in any property, it is sufficient if that person is described in the

notice or other document as the owner, occupier, or holder of the property or right in question, and not it is not necessary to name that person.

- 5) A legal process is effectively and sufficient served on Council when it is delivered to the municipal manager or a person in attendance at the municipal manager's office

#### **47. APPEAL**

- 1) A person whose rights are affected by a decision of an official may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.
- 2) The municipal manager must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any right that may have accrued as a result of the decision.
- 3) When the appeal is against a decision taken by-
  - a) a staff member other than the Municipal Manager, the Municipal Manager is the Appeal authority;
  - b) the Municipal Manager, the Executive Committee is the appeal authority; or
  - c) a political structure or political officer bearer, or a Councillor Council is the Appeal authority.
- 4) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time

#### **48. PENALTIES**

A person who has committed an offence in terms of these by- laws is, on conviction, and subject to penalties prescribed in any other law, liable to a fine, or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine every day such offence continues, or in default of payment thereof, to imprisonment.

#### **49. SHORT TITLE AND COMMENCEMENT**

These By- laws may be cited as the Them isle Municipality Work in Road Reserves By- laws, and come into operation on a determined by Council.

**SCHEDULE 1 - APPLICATION FOR INTENDED WORK IN ROAD RESERVE FORM**

Application is hereby made by the undersigned to do work in the Road Reserve as detailed below. The applicacant undertakes to do the work according to the latest edition of the CODE OF PRACTISE FOR WORK IN THE ROAD RESERVE.

No work may commence before the Wayleaves is issued. All permanent reinstatement (100mm asphalt) will be done by the Road Authority unless specific permission is granted to the applicant to it for this wayleaves. All applicable fees are to accompany this application.

**APPLICATION**

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

CONTACT \_\_\_\_\_

CONTACT TELL \_\_\_\_\_

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

CONTRACTOR \_\_\_\_\_

PROJECT NO \_\_\_\_\_

REINSTATEMENT ORDER NUMBER \_\_\_\_\_

**PROVISIONAL DATES**

STARTING DATE \_\_\_\_\_

COMPLETION DATE \_\_\_\_\_

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

LOCATION OF WORK \_\_\_\_\_

SUBURB:

STREET NAME

STREET (FROM): 1

STREET (TO):

ERFNO'S

HOUSE NO'S;



**PROVISIONAL DATES**

STARTING DATE; \_\_\_\_\_

COMPLETION DATE; \_\_\_\_\_

DRAWING NUMBER; \_\_\_\_\_

LOCATION OF WORK (give full details)

SUBURB; STREET NAME;

STREET (FROM); STREET (TO);

ERF NO'S;

HOUSE NO, S;

**EXCAVATION DETAILS;**

LENGTH OF EXCAVATION;

RIDING SURFACE \_\_\_\_\_

KERBS \_\_\_\_\_

ASPH FOOTWAY; \_\_\_\_\_

INTERNAL BLOOCK \_\_\_\_\_

UPAVED FOOWAYS \_\_\_\_\_

SPECIAL NOTE

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

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

AGENCY	REMARKS/ SIGNATURE/DATE

CITY	
POWER	
XXX GAS	
XXX WATER	
PARKS	
AGENCY	REMARKS/ SIGNATURE/DATE
TELKOM	
ESKOM	
Water	

Road Authority OFFICE USE:

RECEIVED

NAME OF OFFICIAL

SIGNATURE

PERMISSION TO PERFORM WORK FORM

APPROVED:

YES	NO	WAY LEAVE NO:	
-----	----	---------------	--

**UNDERTAKING \INDEMNITY:**

I, the undersigned hereby –

Acknowledge the receipt of a brochure containing the procedures and conditions pertaining to wayleave applications and understand that it will be responsibility to contract the relevant Service agencies within and outside the area of jurisdiction of the of the Thembisile Hani Local Municipality, undertake to adhere to the conditions not applicable to this Department, e.g. TELKOM, ESKOM;

Undertake to furnish the relevant Service Agencies with all necessary application form(s) and information obtained as a result of this application, order to obtain final wayleave approval and permission to work within the Road Reserve;

Acknowledge that Service information is given in good faith and that the accuracy of this information is not guaranteed;

Guarantee all backfilling and permanent reinstatement work done by Contractor, for a period of 12 months that will start 14 days after the work is signed off as completed by the ... .. ROADS AGENCY Inspector

Accepts responsibility for all costs associated with the, including any damages to other Service, backfilling and reinstatements of trenches, the cost of any tests may be required and claims that may result from the work done by the Contractor until the work is taken over by the Road Authority the permanent reinstatement is completed;

Accept the terms and conditions of the Code of practice for Work in the Road Reserve;

Indemnifies the ... .. ROADS AGENCY (Road Authority) against any claim (s), cost or damage or loss of whatsoever nature that may be incurred or sustained by the applicant or any third party and also against all actions, legal proceedings and claims of whatsoever nature that may be instituted or made against the Road Authority arising out of, by reason of or in any way whatsoever

caused by or connected with the exerting by the applicant of the rights granted by the issuing of the wayleaves as well as in respect of cost which may be incurred by the Road Authority in examining or resisting any such demands, actions, action legal proceedings and claims, instituted by any person or party for injury to person (s) loss of life or damage to loss of property, arising directly from exercising the permission granted with approval of this application until the work is taken over by the Road Authority.

\_\_\_\_\_  
Signature (Applicant)

\_\_\_\_\_  
Signature (Road Authority Officer)

\_\_\_\_\_  
DATE

### COMPLETION NOTICE

### CERTIFICATE OF INSPECTION AND\ OR COMPLETION

Wayleaves No; \_\_\_\_\_

The Road Authority Inspector must sign this form. The signature is just for administrative control and by no means implies that the work has been done according to the specifications and conditions of the wayleave. The onus and responsibility of ensuring that the Service has been correctly installed, is that of the applicant.

Description of wayleave; \_\_\_\_\_

Date; \_\_\_\_\_

Street on      street from      street to

-----

Suburb -----

Responsible person (for the erection\ installation of the Service)

Name; \_\_\_\_\_ Company; -----

home No; ( \_\_\_\_\_ ) \_\_\_\_\_

### COMPLETION NOTICE

The Central wayleave office is hereby informed that;

The work done in terms of the above Wayleave has been completed according to the conditions as prescribed in the Wayleave;

AND

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

OR

A temporary reinstatement has been done and a Reinstatement Order to the amount of

R \_\_\_\_\_ is attached for the Road Authority to do the permanent reinstatement.

Name \_\_\_\_\_ Signed; \_\_\_\_\_

Wayleave Holder; ----- Date; -----

### CERTIFICATE OF COMPLETION

#### COMPLETION CERTIFICATE

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

The work has been completed; and

The side has been cleared and cleaned; and

The wayleave holder did the permanent reinstatement and the 12 months guarantee period commences from date;

OR

The wayleave holder did a temporary reinstatement and the two- week maintenance  
Period commences from above date .A Reinstatement Order was received from the wayleave holder.

SITE INSPECTIONS:

REMARKS:

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

The Road Authority waysleave inspector was present when the DUTCH CONE PERETROMETER  
tests were done (see site inspection remarks).

NAME: \_\_\_\_\_ Signed: \_\_\_\_\_

ROAD AUTHORITY INSPECTOR Date: \_\_\_\_\_