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LOCAL AUTHORITY

Stellenbosch Municipality: Stormwater By-law (2020) 2

[STELLENBOSCH MUNICIPALITY.]

[DATE OF COMMENCEMENT: 28 MAY 2021.]

This By-Law

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STELLENBOSCH MUNICIPALITY

BY-LAW RELATING TO STORMWATER

APPROVED BY COUNCIL ON 25 NOVEMBER 2020

AND

PROMULGATED IN TERMS OF SECTION 13 OF THE LOCAL GOVERNMENT:
MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000)

STELLENBOSCH MUNICIPALITY STORMWATER BY-LAW
(2020)

To give effect to the right contained in section 24 of the Constitution of the Republic of South Africa, 1996 and to regulate –

- the stormwater management systems in built-up areas; and
- activities which may have a detrimental effect on the development, operation or maintenance of the stormwater system.

Under the provisions of sections 156 (2) of the Constitution of the Republic of South Africa, 1996, and section 11 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the Municipality of Stellenbosch enacts as follows:

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PREAMBLE

WHEREAS the Municipality has under the Constitution, legislative competence in respect of stormwater management systems in built-up areas;

Whereas the Municipality has an obligation to regulate and control stormwater systems in built-up areas so as to ensure a safe, healthy and sustainable environment and to ensure that the rights of individuals are protected;

Whereas the Municipality wishes to reduce the environmental impact of stormwater to ensure that the socio-economic development, the health of the people within the Municipality's boundaries and the quality of environmental resources are not unduly adversely affected by stormwater;

Whereas the Municipality wants to ensure that all residents, organisations, institutions, businesses, visitors or tourists and government departments enjoy the services from a legitimate stormwater management service provider;

Whereas the Municipality wishes to regulate the stormwater management systems in built-up areas and the regulation of facilities used for the management of stormwater, with the aim of avoiding or minimising the damage to the environment; and

Whereas the Municipality intends to minimise the undesirable impacts of stormwater runoff from developed areas in accordance with Water Sensitive Urban Design Principles.

BE IT ENACTED by the Municipality, as follows: —

1. Definitions. –In this By-law, words used in the singular includes the plural and vice versa, the English text shall prevail in the event of an inconsistency between the different texts, and, unless the context otherwise indicates –

“**Best Management Practices**” refer to devices, practices or methods to –

- (a) prevent, remove, eliminate, reduce or impede runoff flows; or
 - (b) prevent targeted stormwater runoff constituents, pollutants and contaminants from reaching receiving waters,
- and include structural and non-structural controls and devices, and operation and management procedures;

“**built-up areas**” mean those portions or areas of the Municipality which are divided into erven by means of physical survey or which are surrounded by surveyed erven, including the public roads adjacent thereto as well as portions or areas falling within the urban edge of the approved Spatial Development Framework;

“**catchment**” means the area from which any rainfall will drain into a watercourse or wetland, or part thereof, through surface flow to a common point or points;

“**Council**” means the Council of the Municipality of Stellenbosch;

“**detention basin**” means a storage site (such as a small reservoir) that delays the flow of water downstream;

“**development**” means any man-made change to, or associated preparation of, property, including but not limited to, construction or upgrading of buildings or other structures, filling, paving and municipal services;

“**flood attenuation measures**” means –

- (a) assessing the effects of any increased runoff on the existing downstream stormwater system, and
- (b) preparing and implementing the development plan in such a way that –
 - (i) the peak flow immediately downstream of the planned development; and
 - (ii) where existing detention storage is provided in a stormwater system, the –
 - (aa) the volume of runoff due to increased impermeable areas and lower surface frictions in the upstream developments; and
 - (bb) the effectiveness of the downstream detention dams,are no greater or decreased than it was before the development took place;

“**flood level**” means that level reached by flood waters resulting from a storm designated in terms of recognised engineering criteria as being of a frequency to be expected once in every 50 years, and “**flood line**” has a corresponding meaning;

“**floodplain**” means the land adjoining a watercourse which, in the opinion of the Municipality, is predisposed to inundation by floods up to the 100 year recurrence interval;

“**Municipality**” means the Stellenbosch Municipality established by Provincial Notice No. 489 479 of 2000 in *Provincial Gazette* 5590 of 22 September 2000 as amended from time to time, or its successors in title; and includes any –

- (a) political structure;
- (b) political office bearer;
- (c) Councillor; and
- (d) duly authorised agent, service provider or any employee thereof, acting as contemplated in this By-law by virtue of a power vested in the Municipality and so authorised, delegated or sub-delegated to such –
 - (i) political structure;
 - (ii) political office bearer;
 - (iii) councillor;
 - (iv) agent;
 - (v) service provider; or
 - (v) employee;

“**municipal area**” means the area of jurisdiction of the Municipality as determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998);

“municipal manager” means a person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“Municipal Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

“non-structural measures” refer to planning, institutional and pollution prevention practices designed to –

- (a) prevent or minimize pollutants from entering stormwater runoff; and
- (b) reduce the volume of stormwater requiring management;

“norms and standards” refer to –

- (a) guidelines about how role players should act within the given context; and
- (b) minimum standards set to ensure that services are rendered in a specific, planned and effective manner,

as adopted and amended from time to time by the Municipality, and subsequently published within 30 days of the date of adoption;

“organ of state” bears the meaning assigned to it in section 239 of the Constitution of the Republic of South Africa, 1996;

“owner” includes any of the following:

- (a) the person in whom is vested the legal title to the premises, lessee, resident, director of a company, member of a close corporation, the person in control of any premises;
- (b) any person who obtains a benefit from the premises or is entitled thereto; and
- (c) the person administering an estate as curator, executor, proxy, trustee or administrator of a person in whom the legal title in immovable property is vested and who is insolvent, dead or of unsound mind;

“person” includes –

- (a) any divisional council, municipal council, village management board, or like authority; any organ of state;
- (b) any company incorporated or registered as such under any law; and
- (c) any body of persons corporate or unincorporate;

“pollute” means the direct or indirect alteration of the physical, chemical or biological properties of a water resource to cause it to be –

- (a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or
- (b) harmful or potentially harmful to –
 - (i) the welfare, health or safety of human beings;
 - (ii) any aquatic or non-aquatic organisms;
 - (iii) the resource quality; or
 - (iv) property;

“publish” means to be announced by the Municipality for public notification by means of a Notice in the *Provincial Gazette*;

“prescribed” means –

- (a) a particular resolution of the Council; and
 - (b) in relation to –
 - (i) a fee, the cost as set out in the tariff policy of the Municipality;
 - (ii) an application for approval, the documents and procedures determined by the Municipality in a specific instance;
- as determined from time to time;

“private stormwater system” means a stormwater system owned, operated or maintained by a person other than the Municipality;

“prior written permission of the Municipality” means permission granted by the Municipality in accordance with section 4 of this By-law;

“receiving waters” refer to natural or man-made aquatic systems which receive stormwater runoff and includes, but is not limited to, watercourses, wetlands, canals, estuaries, and groundwater;

“stormwater” means water resulting from natural precipitation or the accumulation thereof, and includes –

- (a) groundwater; and
- (b) spring water

ordinarily conveyed by the stormwater system, but excludes water in a drinking water or waste water reticulation system;

“stormwater policy” means a policy document for the management of stormwater impacts, related activities and incidental matters, as adopted and amended from time to time by the Municipality, and subsequently published within 30 days of the date of adoption;

“stormwater system” means both the constructed and natural facilities, including pipes, culverts, watercourses and their associated floodplains, whether over or under public or privately owned land, used or required for the management, collection, conveyance, temporary storage, control, monitoring, treatment, use and disposal of stormwater;

“structural measures” refer to permanent engineered devices implemented to –

- (a) prevent or minimize pollutants from entering stormwater runoff; and
- (b) reduce the volume of stormwater requiring management;

“water pollution incident” means an incident or occurrence whereby a substance or matter, other than stormwater, ends up in the stormwater system and which may have a direct or indirect detrimental, or potentially detrimental, impact on the quality of the water in that system, to such an extent that public health or the health of natural ecosystems may be threatened;

“watercourse” means –

- (a) a river, spring, stream, channel or canal in which water flows regularly or intermittently; and
- (b) a vlei, wetland, dam or lake into which or from which water flows, and includes, where relevant, the bed and the banks of such watercourses;

“Water Sensitive Urban Design” refers to an approach to ensure that development in urban areas is holistically planned, designed, constructed and maintained to –

- (a) reduce negative impacts on the natural water cycle; and
 - (b) protect aquatic ecosystems,
- and includes, but is not limited to, sustainable water supply, sanitation and stormwater management;

“water source” includes any water way, surface water, estuary or aquifer; and

“wetland” means land which is transitional between terrestrial and aquatic systems where the –

- (a) water table is usually at or near the surface, or
 - (b) land, which in normal circumstances supports or would support vegetation typically adapted to life in saturated soil, is periodically covered with shallow water, and
- includes, but is not limited to, water bodies such as lakes, salt marches, estuaries, marshes, swamps, vleis, pools, ponds, pans and artificial impoundments.

2. Aim, application and scope. –(1) The provisions of this By-law aim to –

- (a) reduce the impact of flooding on community livelihoods and regional communities;
- (b) safeguard human health;
- (c) protect natural aquatic environments; and
- (d) maintain recreational water quality.

(2) This By-law binds all persons and organs of state.

(3) This By-law applies to stormwater systems in built-up areas and the natural environment on which it may have an impact, including but not limited to, any land use, development or activity proposals within the municipal area, draining to any watercourse or wetland.

(4) Any provision dealing specifically with stormwater in any other By-law, is subject to the provisions of this By-law: Provided that this By-law does not apply to other aspects of stormwater management such as protection of property and community health and safety.

(5) The provisions of this By-law do not eradicate the need for any other permit, consent or authorisation required under any other law.

(6) The provisions of this By-law must be read together with the –

- (a) National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);

- (b) Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983);
- (c) National Water Act, 1998 (Act 36 of 1998);
- (d) National Environmental Management Act 1998 (Act 107 of 1998);
- (e) Disaster Management Act 2002 (Act 57 of 2002);
- (f) National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004);
- (g) Western Cape Planning and Development Act, 1999 (Act 7 of 1999); and
- (h) all of the following –
 - (aa) Municipal Code of By-laws;
 - (bb) Land Use Planning By-law of 2015 of the Municipality;
 - (cc) Zoning Scheme By-law 2019 of the Municipality;
 - (dd) Management of Urban Stormwater Impacts Policy of the Municipality;
 - (ee) Municipal Disaster Management Plan of the Municipality; and
 - (ff) other relevant Frameworks, Guides, Norms and Standards, as adopted and published,

where applicable.

(7) In the event that –

- (a) any provision in this By-law; or
- (b) any stipulation in any of the documents contemplated in section 2 (6) (h) (bb) – (ff), no longer conforms to a Notice published in terms of applicable National or Provincial legislation after the date of commencement of this By-law, such Notice applies to the extent reasonably required until this By-law or such document has been updated accordingly.

(8) This By-law and all the documents contemplated in section 2 (6) (h) (bb) – (ff) must be published on the website of the Municipality within 14 days of the date of publication of this By-law in the *Provincial Gazette*.

3. Stormwater policies and guidelines. –(1) The Municipality must develop, adopt, publish on its website and implement its stormwater policies and may amend those policies from time to time, as and when required.

(2) The stormwater policies of the Municipality must –

- (a) incorporate Water Sensitive Urban Design Principles into urban development;
- (b) be based on Best Management Practices; and
- (c) be aligned with other sustainability programmes of the Municipality.

(3) The Municipality may limit the application of any stormwater policy to specific, or categories of, –

- (a) areas;
- (b) development premises; or
- (c) activities,

and may, on reasonable grounds, permit deviation or relaxation of, or exemptions from, any provisions of such policy.

- (4) Any person who –
 - (a) contravenes the provisions of a stormwater policy to the extent that same had been adopted in terms of this or any other By-Law of the Municipality; or
 - (b) furnishes false or misleading information required in terms of a stormwater policy, is guilty of an offence, and on conviction may be liable to a fine or imprisonment, or both such fine and imprisonment.
- (5) Stormwater policies must be made public and conveyed to the community in terms of section 21A of the Municipal Systems Act.
- (6) Notwithstanding subsections (1), (4) and (5), the Municipality may –
 - (a) develop and approve guidelines that comply with the provisions of subsection (2) and (3); and
 - (b) implement such approved guidelines.
- (7) Any policy developed and adopted in terms of this section replaces the guidelines contemplated in subsection (6).

4. Applications for permits, consent or authorisation. –(1) A person who wishes to obtain a permit, consent or authorisation of the Municipality as contemplated in this By-law, must submit an application in writing and in accordance with the applicable process as prescribed by the Municipality.

- (2) When considering an application contemplated in subsection (1), the Municipality may require the applicant to, at own cost, –
 - (a) submit impact studies such as, but not limited to, environmental impact studies or environmental impact investigations as required in terms of national and provincial environmental legislation; and
 - (b) to establish and provide documentation indicating flood lines.
- (3) A permit, consent or authorisation may be granted by the Municipality subject to such conditions as determined by the Municipality after due consideration of the application.
- (4) Where a permit, consent or authorisation is required under this By-law and any other law enforced by the Municipality, such applications shall be lodged simultaneously.

5. Prohibited discharges. –(1) No person may, except in accordance with the prior written permission of the Municipality, discharge, permit, cause or allow to enter or place onto any substance other than stormwater, where that substance could reasonably be expected, or is likely, to find its way into the stormwater system.

- (2) With the exception of rainwater, no person may permit, cause or allow any dirty, waste, swimming pool, infected or otherwise polluted water to flow from his premises into the stormwater system.

6. Measures to protect stormwater system. –(1) Notwithstanding any other provision in this By-law, the Municipality may, in pertinent and lawful instances require from the owner of any private property (person A) to –

- (a) allow the owner of a higher lying property (person B), to, at such owner's cost (person B), lay a stormwater drainpipe or gutter over the owner's property (person A) to allow the draining of concentrated stormwater; or
- (b) retain stormwater on such property (of person A) or, at such owner's cost (person B), to lay a stormwater drain pipe or gutter to a suitable place indicated by the Municipality, irrespective of whether the course of the pipe or gutter will run over the owner's property (person A), or not.

(2) No person may, except in accordance with the prior written permission of the Municipality –

- (a) adjust, alter, damage, endanger, destroy or undertake any action which may, or is likely to, damage, endanger or destroy, the stormwater system or the operation thereof;
- (c) discharge, permit to enter or place anything likely to damage the stormwater system or interfere with the operation thereof or contaminate or pollute the water therein;
- (d) construct or erect any structure or thing over or in such a position or in such a manner which may, or is likely to, interfere with, or endanger the stormwater system or the operation thereof;
- (e) make an opening into a stormwater pipe, canal or culvert;
- (f) drain, abstract or divert any water directly from the stormwater system, or
- (g) fill, excavate, shape, landscape, open up or remove the ground above, within, under or immediately next to any part of the stormwater system.

(3) No person may, except in accordance with the prior written permission of the Municipality, –

- (a) lead or discharge any water on, over or across; or
- (b) by any means whatever, raise the level of water in any river, dam or watercourse to cause interference with or endanger, a street, sidewalk, pathway or public place.

(4) No person may carry out, or create the risk of, any activity that causes, or may potentially cause, stormwater to flood the property of the municipality or that of any other person.

(5) When an incident contemplated in section 5 and subsections (2), (3) or (4) of this section occurs without, or not in accordance with, the prior written permission of the Municipality, –

- (a) and the incident is not the result of natural causes, the person responsible for the incident; and
- (b) the owner of the property on which the said incident occurred, or is occurring, must immediately report the incident to the Municipality: Provided that the person responsible for the incident or the owner of the property, as the case may be, must at own cost take all reasonable measures which, in the opinion of the Municipality, will contain and

minimise the effects of the flooding, by undertaking cleaning up procedures, including the rehabilitation of the environment, as required by the Municipality.

(6) A person who contravenes a provision of subsection (2), (3), or (4) commits an offence.

(7) The Municipality may, subject to any laws which may be applicable and after obtaining consent of the owner and the occupier, if any, of the land concerned, –

- (a) deviate any watercourse, stream or river: Provided that the deviation is necessary for the protection of a public road or structure related to a public road or for the construction of a structure connected with or belonging to a street, sidewalk, pathway or public place;
- (b) divert stormwater from, or under, a street, sidewalk, pathway or public place onto private property other than land occupied by buildings, other structures or improvements; and
- (c) pay reasonable compensation as agreed between the owner or occupier and the Municipality, for any damage caused as a result of any action taken in terms of this subparagraph, or failing such agreement, compensation determined by arbitration in terms of the Arbitration Act, 1965 (Act 42 of 1965) or an alternative dispute resolution process.

7. Sustainable urban drainage system. –(1) In order to advance a holistic approach to catchment development and the application of Water Sensitive Urban Design Principles, all developers, owners, professionals and contractors must, at all times, comply with the following provisions:

- (a) Determine all floodlines which may impact on the development concerned, in which event the Municipality must, on written request, make available any floodline information that is on record;
- (b) Do planning and take flood attenuation measures before any development above an existing development or in a catchment area commences;
- (c) Make adequate provision for stormwater servitudes –
 - (i) where overland flow can occur, either naturally or as a result of the development; or
 - (ii) when the minor stormwater system infrastructure is overloaded or rendered ineffective due to a block up;
- (d) Prevent concentration of stormwater runoff both spatially and in time wherever possible;
- (e) Manage steep slopes and soil profiles, where they occur, before, during and after construction;
- (f) Submit an application to the Municipality consisting of detailed plans to control and prevent erosion by water, prior to the commencement of any works, including site clearance on any portion of the site: Provided that the Municipality may grant such approval subject to such conditions as may be determined by the Municipality after due consideration of the application;
- (g) Ensure that vegetation cover is removed with care and with attention to the potential erosion impact;

- (h) Construct stormwater control systems before any construction on a site commences;
- (i) Monitor and adjust the stormwater control measures taken during the construction progress, to ensure complete erosion control and appropriate runoff control;
- (j) Keep earthworks on site to an absolute minimum;
- (k) Design elements of developments so as not to impede the drainage process or cause a flood hazard by unsafely storing storm runoff on the property; and
- (l) Avoid concentration of flow onto downstream properties due to walls and fences around properties that cross natural drainage channels.

(2) In the event that it is impossible to avoid an increase in the downstream peak flow, the Municipality may only allow a development to proceed if it is satisfied that the downstream stormwater systems have the spare capacity to accommodate the additional peak flow.

(3) The Municipality may, for stormwater control purposes, regularly and at all reasonable times enter any premises, or any portion thereof, to inspect the construction of buildings, structures and earthworks in order to minimize risk or damages to properties and to determine the current status of a stormwater system.

(4) In order to fulfil the function contemplated in subsection (1), the Municipality may –

- (a) declare areas as stormwater management areas in respect of which special requirements will apply regarding construction and earthworks of any activity and which, in the opinion of the Municipality, may reduce the risk of floods;
- (b) require that the general plan or lay-out plans of the development or subdivision of any property, indicate lines in an acceptable form, to indicate the maximum level which will probably be reached by the flood water, in an average of 50 years and of 100 years;
- (c) may, subject to other applicable legislation, refuse any –
 - (i) new permanent residential, commercial or industrial development;
 - (ii) request for densification; or
 - (iii) any other plans where the floodlines are not in line with the policy or guidelines contemplated in section 3:

Provided that where such development or application is approved within a flood plain, the lowest level of any new building, structure or addition thereto, must be above the floodlines as specified in the policy or guidelines as contemplated in section 3;

- (d) determine that all services required by the development, be designed to withstand the –
 - (i) effects of flooding without risk of environmental pollution, or
 - (ii) risk of damage, injury or loss to the property owner, residents and general public;
- (e) allow the construction of flood protection embankments: Provided that such embankment –
 - (i) does not materially affect the direction and velocity of the main stream or its tributary watercourses;
 - (ii) serves a useful purpose; and
 - (iii) does not increase the risks of damage to property or injury to any person.

(5) All matters pertaining to sustainable urban drainage systems not provided for in this By-law, including but not limited to the following:

- (a) criteria for achieving Sustainable Urban Drainage Systems Objectives;

- (b) interface with the Municipal Spatial Development Framework;
 - (c) incentive schemes; and
 - (d) monitoring and evaluation of adherence to Best Management Practices,
- must be addressed in stormwater policies of the Municipality.

8. Stormwater management plan. –(1) Where the submission of an approved stormwater management plan is a condition of approval as contemplated in section 7, the person responsible therefore must submit plans detailing the proposed stormwater control measures to the designated official: Provided that no physical work may commence without the prior written approval of the Municipality.

- (2) A stormwater management plan must describe and indicate –
 - (a) the control measures to be implemented before and during the construction period;
 - (b) the final stormwater control measures required for the site on completion of site development;
 - (c) the person responsible for the design of the control measures; and
 - (d) who is, or will be, designated as the responsible person on site during each stage of the implementation of the control measures.
- (3) If the approved stormwater management plan contemplated in subsections (1) and (2) is not adequately implemented or complied with, the owner or developer, as the case may be, is responsible to repair and restore all consequential environmental and other damages at his or her own cost.

9. Stormwater systems on private land. –(1) An owner of property on which private stormwater systems are located, –

- (a) may not carry out any activity which will, or which in the opinion of the Municipality could reasonably be expected to, impair the effective functioning of the stormwater system, and;
- (b) must, at own cost, keep such stormwater systems functioning effectively, including undertaking the refurbishment and reconstruction thereof if, in the opinion of the Municipality, it should be reconstructed or refurbished.

(2) The provisions of subsection (1) do not apply to the extent that the Municipality has accepted responsibility for any of such duties, either in –

- (a) accordance with a formal maintenance agreement; or
- (b) terms of a condition of a servitude.

(3)(a) If an immediate risk of flooding is identified, the Municipality may access the property concerned, irrespective of whether a servitude exists on that property or not, and without notifying the owner, to carry out the required works to prevent flood damage to upstream, surrounding or downstream properties.

(b) When accessing the property, the authorised employee must, on request, identify him or herself by producing written proof of such authority.

(c) The Municipality must immediately thereafter notify the owner concerned in writing of their liability to pay the costs of the carrying out of the required works as contemplated in paragraph (a).

10. Provision of infrastructure. –(1) The Municipality may –

- (a) construct, expand, alter, maintain or lay any drains, pipes or other structures related to the stormwater system on or under any immovable property, and ownership of these drains, pipes or structures shall vest in the municipality;
- (b) drain stormwater or discharge water from any municipal service works into any natural watercourse, and
- (c) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by subparagraph (a).

(2) When the Municipality exercises its powers in terms of subsection (1)(a) regarding immovable property not owned by the municipality, it must do so in compliance with the provisions of the by-law of the Municipality relating to the management and administration of its immovable property.

11. General powers. –(1) The Municipality may –

- (a) demolish, alter or otherwise deal with any building, structure or other thing constructed, erected or laid in contravention of the provisions of this By-law;
- (b) fill in, remove and make good any ground excavated, removed or placed in contravention with the provisions of this By-law;
- (c) repair and make good any damage done in contravention of the provisions of this By-law or resulting from a contravention;
- (d) remove anything discharged, permitted to enter into the stormwater system or natural watercourse in contravention of the provisions of this By-law;
- (e) remove anything damaging, obstructing or endangering or likely to obstruct, endanger or destroy any part of the stormwater system;
- (f) seal off or block any point of discharge from any premises if such discharge point is in contravention of the provisions of this By-law; and
- (g) cancel any permit, consent or authorisation granted in terms of this By-law if the conditions under which such permit, consent or authorisation, the permission was granted are not complied with.

(2) The Municipality may, in any case where it seems that any action or neglect by any person or owner of property may lead to a contravention of the provisions of this By-law, give notice in writing to such person or owner of property to comply to such requirements as the Municipality may deem necessary to prevent the occurrence of such contravention.

(3) The Municipality may recover all reasonable costs incurred as a result of –

- (a) action taken in terms of subsection (1); or
 - (b) a contravention of any other provisions of this By-law,
- from a person who was responsible therefor or the owner of the property on which a contravention occurred.

12. Appeal. –(1) A person whose rights are affected by a decision of the Municipality in terms of this By-law, may appeal against the decision by giving written notice of the appeal and the reasons therefor in terms of section 62 of the Municipal Systems Act to the municipal manager within 21 days of the date of the notification of such decision.

(2) Upon receipt of the notice of appeal, the Municipality must proceed with the matter in accordance with the provisions of section 62 of the Municipal Systems Act.

13. Exemptions. –(1) Any person may, by means of a prior written application stating the reasons in full, apply to the Municipality for exemption from any provision of this By-law.

(2) The Municipality may –

- (a) approve such exemption in full or subject to reasonable conditions; or
- (b) refuse such exemption on reasonable grounds.

(3) The Municipality may, on reasonable grounds, revise or cancel such exemption or conditions of an exemption.

(4) Where applicable, an exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed under subsection (2)(a).

(5) In the event that –

- (a) an activity for which exemption has been applied, commences before receipt of the undertaking contemplated in subsection (4) by the Municipality; or
- (b) any condition of an exemption granted by the Municipality is not fully complied with, the exemption granted, lapses with immediate effect.

14. Community liaison forums. –(1) The Municipality may establish one or more community liaison forum for the purposes of furthering the stormwater activities of the municipality.

(2) A community liaison forum may consist of –

- (a) representatives of a group with a vested interest in the stormwater activities of the municipality;
- (b) affected persons as contemplated in section 2 (4)(f) to (h) of the National Environmental Management Act, 1998 (Act 107 of 1998);
- (c) designated officials of the municipality;
- (d) a councillor; and
- (e) any other persons as determined by the Municipality.

(3) A community liaison forum contemplated in subsection (1) may, upon request of the Municipality or on its own initiative, submit input to the Municipality regarding any matter related to the implementation and application of this By-law.

15. Offences and penalties. –(1) Any person who –

- (a) contravenes any provision of this By-law;
- (b) fails to comply with the terms of any notice issued in terms of this By-law;
- (c) threatens, resists, hinders or obstructs or uses foul, abusive or insulting language towards or at a councillor or an employee or contractor of the Municipality in the exercise of any powers or performance of any duties or function in terms of this By-law, or falsely holds himself or herself to be a councillor, an employee or a contractor of the Municipality,

is guilty of an offence and liable, on conviction, for the payment of a fine.

16. Repeal of By-laws. –The By-laws listed in the Schedule hereto are hereby repealed to the extent indicated in the third column thereof.

17. Short title and commencement. –This By-law shall be known as the By-law relating to Stormwater and comes into operation on the date of publication thereof in the *Provincial Gazette*.

