

# **MALETSWAI 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 Maletswai Municipality enacts as follows:-

### **TABLE OF CONTENTS**

1. Definitions
2. Principles and objectives
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. Backfilling of road
17. Re-using excavated material
18. Importing material
19. Foamed concrete
20. Backfilling of footway
21. Permanent reinstatement of road
22. Permanent reinstatement of footway
23. Temporary reinstatements 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. Municipality may remove hoardings
40. Hoardings: Special construction
41. Deposits for footway damage
42. Removal of hoardings fixed without permit
43. Planked shed, roof or gantry over sidewalks

### 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. Revocation of by-laws
50. Short title and commencement

#### 1. Definitions

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

**"backfilling"** means the replacement of the structural layers in a trench or excavation and includes the base, sub-base, selected sub-grade and sub-grade, but exclude the surfacing;

**"Council"** means the Maletswai Municipal Council;

**"emergency work"** means any work that is required to prevent or end a dangerous situation, to prevent or end an unplanned interruption in the supply of a service, or to avoid any substantial losses, such as, but not limited to burst pipes;

**"lane rental"** means the rental that are paid to the municipality 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 road by the municipality;

**"public road"** means any road, public street, cycle path, thoroughfare or any other place, and includes –

- (a) the verge of any such public road;
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such public road;
- (d) any other object belonging to such public road,  
which has at any time been -
  - (i) dedicated to the public;
  - (ii) used without interruption by the public for a period of at least thirty years;

- (iii) declared or rendered such by the Municipality or other competent authority; or
- (iv) constructed by a local authority;
- (e) any land, with or without buildings or structures thereon, which is shown as a public road on -
  - (aa) any plan of subdivision or diagram approved by the Municipality or other competent authority and acted upon; or
  - (bb) any general plan as defined in the Land Survey Act, 1997 (Act 8 of 1997), registered or filed in a deeds registry or Surveyor General's office, unless such land is on such plan or diagram described as a private public road;

**"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.

## 2. Principles and objectives

- (1) It is the duty of the Council, who is the custodian of all municipal road reserves, to control and co-ordinate all work in the road reserves, and for these purposes the Council takes cognisance 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 delays, 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 roads and other services, damage to vehicles, injury to vehicle occupants or pedestrians, reduction of the effective life of the road, footway or other services, and time and social costs caused by delays.
- (2) The Council, in order to fulfil its duty contemplated in subsection (1) adopts these By-laws, thereby attempting to ensure maximum co-ordination and co-operation between all the various departments and

agencies that have to share the road reserve to provide services to their customers, and to minimise the effect of all work in the road reserve to the benefit of all concerned, and in particular the ratepayers, road users (motorists and pedestrians), service agencies and the municipality, 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) These By-laws apply to a person who carries out work in a municipal road reserve in the municipal area of the municipality, such as a municipal department, an external organisation, 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 municipality.

## **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 services by a municipal service agency and a non-municipal service agency, such as Telkom and Eskom, or any other person;
- (b) the erection of a structure that requires approved building plans in terms of the National Building Regulations and Building Standards Act, 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 stormwater drainage from a development;
- (f) the installation of services 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 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:
  - (aa) The digging of a trench;
  - (bb) tunnelling;

- (cc) shaping and landscaping; and
- (dd) other work that may affect a motorist, cyclist, pedestrian, the road, a footway, kerbing, a traffic sign, a traffic signal, street lighting, an underground or overhead service or a structure or service 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 municipality for carrying out the intended type of work, and for these purposes must complete and submit to the municipality a form similar to the form contained in Schedule 1, which schedule refers.
- (2) The municipality 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 road reserve without having obtained the approval of the municipality 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 municipality 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 municipality a form similar to the form contained in Schedule 2, which schedule refers, and –
  - (a) the form must be submitted timeously 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 municipality 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 municipality appears; and
  - (b) three copies of an approved drawing which show 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 services in the road reserve.

- (3) The municipality may refuse to grant permission for the intended work to commence, or may, if the intended work is not at variance with the principles 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 or owner 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 or owner 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 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 issue of the form, otherwise re-application is required.
- (8) The contractor or owner must inform the municipality 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 municipality must inform a relevant service agency in writing before work in the road reserve is commenced, that may affect the services of the service agency in the road reserve.
- (11) The municipality may stop work being carried out in the road reserve if the municipality'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 trenchless method, however, if a trenchless method cannot be used for some reason in a protected road, special permission to excavate must be obtained from the municipality.
- (3) For the purpose of planning work done by a service provider, a private road and a cul de sac, except the first 20 m from an intersection with any other class road considered to be protected, is regarded as an unprotected road, unless it has been newly constructed, overlayed 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) An occupied lane is considered as being not longer than one street block.<sup>1</sup>
- (3) A prescribed fee must be paid by a service agency to the municipality and the municipality may charge the prescribed fee that differentiates between different road categories.
- (4) The municipality 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 delay costs that have been calculated for each road category.
- (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 precautions to avoid disturbances 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 08:00 and 17:00 on Monday to Fridays and between 08:00 to 13:00 on Saturdays, however, these times are not fixed and may change depending on local conditions and special events in the vicinity where work is to be undertaken.
- (9) The municipality or any organisation working on behalf the municipality is exempt from payment of lane rental when any construction, resurfacing, maintenance, improvement or rehabilitation work is being done on the road itself.
- (10) 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.
- (11)(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 charged before the official completion, date and 100 % thereafter.
- (12)(a) Lane rental may also be charged if a footway is affected by work.

---

<sup>1</sup> For example: If a lane is closed for two street blocks, then the cost will be for two lanes.

- (b) 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.
- (c) 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.
- (d) 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 considered as 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 municipality on the location of their services, which services must be indicated on the drawing contemplated in section 6(2)(b) to be submitted with the form contemplated in section 6(1)(b).
- (2) A service agency may lay down additional conditions 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 a 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) commits 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, traffic 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 in 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 contact 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 a work site is properly barricaded and signed irrespective of how long the work will last.
- (6) A contractor who contravenes a provision of this section, commits an offence.

## **11. Road closure**

- (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 programme 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 municipality may grant permission for the closure of a road or portion of road to traffic.
  - (b) The contractor must apply to the municipality 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 an arterial, major collector and a road in the central business district are, to ensure free flow of traffic during peak hours, restricted to outside the following periods: 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 800 mm 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 600 mm 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 depths in excess of the 800 mm as this could interfere with future Services that have to be laid at a specific grade, such as sewers and stormwater 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 organisation must be contacted again for further instructions.
- (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 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 stormwater 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.
- (14)
  - (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 municipality to do it at the cost of the contractor.
- (15) All re-usable materials, such as concrete blocks, slabs, kerbs, gutters, channels and stormwater inlets, must be removed with care and re-used if possible.
- (16) 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 municipality for the removal, storage and re-erection, at the contractor's cost.
- (17) Where an excavation is made through an entrance to a property, access must be maintained by using steel plates, planks 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.
- (18) An underground service must have not less than 600 mm cover, and a manhole valve cover must be finished flush with the surface of the road or verge.

- (19) A contractor who does not comply with a provision of this section commits an offence.

**13. Trenchless methods**

- (1) If a trenchless method is used, disruption of traffic flow and pedestrian movement must be reduced as far as possible by using the necessary equipment and expertise to complete the work successfully.
- (2) A trenchless method must be used for a road classified as a 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 the top of a tunnel that is drilled for the installation of a new service, must be at least 800 mm 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 contractor must inform the municipality in writing within 24 hours from commencing with work on an emergency.
- (2) If the municipality is not informed within 24 hours from the first working day, the work will be reinstated by the municipality and 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 specifications in subsection (7) and section 16, as applicable.
- (3) Permanent reinstatement (100 mm asphalt layer), as specified in section 21 and 22, can either be done by the municipality or by the contractor, provided that the contractor has the necessary expertise and experience required.
- (4) Permanent backfilling and reinstatement (100 mm 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 municipality, the contractor must do a temporary reinstatement as specified in section 23.  
(b) The contractor shall be charged 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 municipality and the backfilling shall be tested, and should the backfilling not comply with the applicable specifications, it shall be 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 period not exceeding two months with the 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 ensure that the service is not damaged, and the same applies to the backfilling around the service.
- (8) Where a service with a diameter of more than 300 mm is installed, the subgrade material used for the reinstatement must be soilcrete (in-situ material mixed with 8% cement), placed with poker vibrators, up to a level of 300 mm 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 municipality are that the structural layers of the backfilled trench, which structural layers are the base, sub-base, selected sub-grade and sub-grade down to a depth of 800 mm below the level of the 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) Re-using excavated material (section 17);
  - (b) importing material (section 18); or
  - (c) foamed concrete (section 19).
- (3) A contractor who does not comply with a provision of this section commits an offence.

## **17. Re-using excavated material**

- (1) During excavation of the trench, the material from the top 400 mm of the excavation (or in the case of arterials, collectors and industrial streets, the top 550 mm) must be stockpiled separately from the rest of the material being excavated.
- (2) The material contemplated in subsection (1) must then be improved through chemical stabilisation with cement and used for the base and sub-base layers during backfilling, and in the case of arterials, collectors and industrial streets also for the selected sub-grade 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 municipality may require that material with the required properties be imported.
- (5) Material that was originally stabilised may not be re-used and must be discarded.
- (6) (a) The contractor must ensure that the top 400 mm (550 mm for an industrial street) must be stockpiled separately and stabilised with 4 % ordinary cement approximately 80 kg/m<sup>3</sup> of cement.  
 (b) The material must be compacted in thin (75 to 100 mm) layers with a vibratory compactor at optimum moisture content to the required densities (base: 98 %, subbase: 95 %, selected subgrade: 93 % and subgrade: 90 % Mod. American Automobile of State Highways and Transportation Officials) to within 100 mm of the existing road surface.
- (7) A contractor who does not comply with a provision of this section commits an offence.

#### **18. Importing material**

- (1) A G5 gravel material must be imported and stabilised with 60 kg of cement per m<sup>3</sup> of material.
- (2) Water must be uniformly mixed into the material, and the material must then be placed in the trench in 75 mm to 100 mm layers and compacted to the required Mod. American Automobile of State Highways and Transportation Officials densities as specified in Figure 1, Schedule 4.
- (3) The final layer must be finished to a level of 100 mm below the level of the surrounding sound surface of the road.
- (4) A contractor who does not comply with a provision of this section commits an offence.

#### **19. Foamed concrete**

- (1) Foamed concrete of minimum 4 Mega-Pascal crushing strength and manufactured to an approved manufacturer's specifications must be used.
- (2) The foamed concrete must be placed to a level 100 mm below the level of the surrounding sound surface of the road, and as soon as the foamed concrete has set sufficiently, a 70 mm layer of asphalt basecourse material must be placed on top followed by a 30 mm 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 150 mm layers and compacted to 90 % Mod. American Automobile of State Highways and Transportation Officials density (maximum Dutch Cone Peretrometer Penetration of 19 mm/blow) for all layers below the base and 93 % Mod. American Automobile of State Highways and Transportation Officials density (maximum Dutch Cone Peretrometer Penetration of 14 mm/blow) for the base.
- (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 streets on Figure 1.
- (3) Where a heavy vehicles make use of a footway, such as loading zones 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 streets on Figure 1.
- (4) An excavation in an unconstructed verge must be backfilled in such a way that the verge is in the same condition after backfilling as it was before excavation, 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 a provision of 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 100 mm hot-mix asphalt.
  - (b) The lower 70 mm must be "blackbase" (26,5 mm nominal stone size, continuously graded) and the top 30 mm fine (4,75 mm nominal 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 100 mm wider than the trench on both sides to accommodate any edge breaks where saw cutting was not possible.
- (4) The top 100 mm of the trench must be backfilled by the contractor, compacted and maintained in a serviceable condition for a period of fourteen days after the Completion Notice has been submitted. IN ANOTHER PLACE THE CODE SAYS: The reinstatement (100 mm

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 requirements 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 surfaced 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 requirements 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 reused, however, where new material has to be used, these must comply with the following requirements:
  - (a) Precast concrete kerbs and channels must comply with the requirements of Section 2300: Concrete Kerbing, Concrete Channelling, Open Concrete Chutes and 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 requirements of SABS/SANS as amended.
  - (c) Cast in-situ concrete must comply with the relevant requirements of Section 6400: Concrete for Structures of the Committee of Land and Transport Officials Standard Specification for Roads 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/SANS 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 with non-standard materials are to be excavated, the contractor must inform the owner in advance and in writing of the intended work, and the owner must supply the contractor holder with the materials that are to be used for the reinstatement.
- (4) Where an unconstructed verge has an established lawn, this must be removed, stored and replaced in sods in such a way that the lawn is in the same condition after reinstatement as it was before excavation, however,

should the sods be allowed to dry out or become damaged in any way, they must be replaced with similar sods.

- (5) If an unconstructed verge has been planted with garden vegetation other than lawn, the owner of the adjacent property must be consulted before excavation, to obtain instructions on what to do with the plants that are affected, 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.

### **23. Temporary reinstatements by contractor**

- (1) If the permanent reinstatement is to be done by the municipality, the contractor must do temporary reinstatement with a suitable material (preferably cold 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 municipality, and after the two-week period the maintenance will be taken over by the municipality.
- (3) A contractor who does not comply with a provision of this section commits an offence.

### **24. Remedial work**

- (1) Remedial work is required if any of the following exists:
  - (a) A depression;
  - (b) a hump (crowning);
  - (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 100 mm or more of the length of the trench.
- (3) Remedial work is required if a depression results in standing water wider than 500 mm or exceeding one square metre, 2 hours after rain has stopped.
- (4) An edge depression exceeding 10 mm over 100 mm or more of the length of the trench requires remedial work.
- (5) An open crack wider than 3 mm and longer than 100 mm is requires remedial work.
- (6) A contractor who does not comply with a provision of subsection (1), (3), (4) or (5) commits an offence.



## **25. 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 municipality at the cost of the contractor, or by the contractor.
- (3) The decision on who does the permanent reinstatement lies with the municipality.
- (4) A contractor who does not comply with a provision of subsection (1), or who fails to do permanent reinstatements if required to do so in terms of subsection (3) commits an offence.

## **26. Completion notice and certificate 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 municipality, and should the municipality have to do the reinstatement, a Reinstatement Order as contained in Schedule 6, which schedule refers, must accompany abovementioned notice.
- (2) On receipt of the notice contemplated in subsection (1), the municipality shall set up a site meeting together with the contractor to do an inspection and to issue the Certificate of Completion, if all requirements have been met, at which time the 12-month guarantee period for permanent reinstatements or the 2-week maintenance period for temporary reinstatements by the contractor, commences.
- (3) Completion of the work means that –
  - (a) all work has been completed;
  - (b) all materials, equipment and rubble have been removed;
  - (c) the site is completely cleared and cleaned; and
  - (d) the contractor has done either the permanent or temporary reinstatement, as applicable.
- (4) If work involves more than one street link (street block), then a completion notice must be submitted after completion of each link.
- (5) The municipality shall issue a Certificate of Completion as contained in Schedule 7, which schedule refers, once all requirements 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 municipality 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 specifications, however, the municipality may do additional tests if the quality control tests are not considered to be adequate:
- (3) (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 Peretrometer or a Rapid Compaction Control Device
- (c) Although the shear strengths of the backfilled layers shall be measured against the undisturbed structural layers, an indication of probable acceptance on most roads can be obtained from the typical Dutch Cone Peretrometer and Rapid Compaction Control Device Penetration diagram shown on Figure 2 in Schedule 4.

## **CHAPTER 2 HOARDINGS**

### **28. Permit to hoard**

- (1) Every person who erects, removes, alters, repairs or paints any building or carries out any excavation on any part of which is within 2 m of a street must, before he or she commences any such work, enclose or cause to be enclosed a space in front of such part of such building.
- (2) 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.
- (3) 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 without a written permit first having been obtained from the municipality.
- (4) No demolition work may be commenced without a written permit first having been obtained from the municipality.
- (5) The municipality must determine what portion of the street is necessary for the purpose of carrying out any building operations, and must in all cases in which it deems necessary that any street is to be used for such purposes, grant a permit in writing setting forth the portion which may be occupied for such purpose and the conditions whereunder such permit is granted.
- (6) Every permit granted by the municipality 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 permit is granted.

- (7) 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<sup>2</sup> 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<sup>2</sup> of the street overhung or covered thereby.
- (8) 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 the building operations to which the permit relates are carried on, are jointly and severally liable for the fees prescribed by this section.
- (9) 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 other person duly authorized thereto by the municipality, regard being had to charges prescribed by the municipality for parking regulated by meter.
- (10) The municipality 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 kerbs, gutters and other works were in good order and condition on the date of such permit.
- (11) 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 3,5 m 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 frontage as is necessary, and no other portion of the street may be used for the purpose of depositing bricks, lime, rubbish or any other materials or plant in connection with such building, removals, alterations or repairs.
- (2) The municipality 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 fence must be adequately stayed and secured to resist the pressure of wind or of a crowd of people and must be maintained standing and in good condition to the satisfaction of the municipality 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 fence must be splayed off at the angle from the frontage line in each street, and the height of the portion of the hoarding so splayed and along the other frontages for a distance of 1,5 m from each angle must be 1,25 m in height neither more nor less, except in the cases for which special provision is made as contemplated in section 40, and all angles of hoardings must be splayed off at an angle of 45 degrees at distance of not less than 1,5 m 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 15 m of frontage; and such opening may not exceed 4 m in width and must be securely closed each day at sunset and remain closed until sunrise the following morning.
- (2) A person who does not comply with a provision of subsection (1) commits an offence.

### **33. Obstructing fire hydrants**

- (1) If any fire hydrant is enclosed by any hoarding, a small door must be made in such hoarding as close to the hydrant as possible, for the access of the fire department and such hydrant may not be covered or obstructed by a building or other material.
- (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 and 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 1,5 m in width;
  - (b) the posts and handrails may not be less than 75 mm by 75 mm;
  - (c) the posts may not be more than 2 m apart; and
  - (d) the handrail must be wrought smooth with edges rounded or bevelled.
- (3) The whole of the footway between the rail and the hoarding must be strongly boarded so as to form a safe and rigid path 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.

### **36. 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, and all 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 municipality may approve.
- (2) In no case may any material or rubbish be left on the public street or footway 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 former condition, the person commits an offence and the municipality 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 114 mm by 75 mm set on edge and secured so as to project at least 50 mm 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 municipality'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 or removal of materials, to the street paving, kerbing or guttering adjacent to the site upon which such operations are in progress;
  - (d) must, where vehicles cross a footway to the site where such operations are in progress, if so directed by the municipality, 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 of subsection (1) commits an offence.

**39. Municipality may remove hoardings**

- (1) The municipality 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 municipality 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. Hoardings: Special construction**

- (1) The municipality has the right in special cases to require the erection of hoardings or other erections of special height, form 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 the requirements contemplated in subsection (1) commits an offence.

**41. Deposits for footway damage**

- (1) 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 the municipality a sum of money estimated by the municipality'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.
- (2) On failure 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 municipality 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 municipality as aforementioned, erecting or placing or causing to be erected or placed in any public road, square, footway or other public place within the area of jurisdiction of the municipality, any fence, scaffolding, hoarding or other obstruction, the municipality has the right to have the same immediately removed at the expense of such person who is at the same time liable to the penalties hereinafter provided for 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 2 m 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 38 mm planking on posts at least 150 mm by 114 mm and beams at least 150 mm 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 1,5 m and a clear internal height of not less than 2,5 m for pedestrians.
- (2) No portion of such planked shed, roof or gantry may be less than 230 mm from the outside edge of the kerb.
- (3) A drawing showing the requirements of the municipality can be seen in the offices of the municipality's engineer, and any permit or licence 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 use 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 municipality at a specified place.
- (2) The municipality, 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 factors.
- (3) A person may within the time period contemplated in paragraph (a)(f) make representations, in the form of a sworn statement or affirmation to municipality at the place specified in the notice.
- (4) Representations not lodged within the time period will not be considered, except where the person has shown good cause and municipality condones the late lodging of the representations.
- (5) The municipality must consider the representations and any response thereto by an authorized official or any other person, if there be such a response.
- (6) The municipality may, on its own volition, conduct any further investigations 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 municipality must also consider the further response.
- (7) The municipality 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 the municipality;



- (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 municipality.
- (9) If the notice of compliance is confirmed, in whole or in part, or is altered but not set aside, municipality 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 municipality of his or her intention to be so tried.
- (11) If the person does not elect to be tried 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 municipality may take such steps as it deems necessary to remove the remedy the situation and the cost thereof must be paid to the municipality in accordance with section 45.

#### **45. Costs**

- (1) The processing fee is a fixed amount that is determined by the municipality from time to time and which is payable by the applicant when submitting the form contemplated in section 6(1)(b).
- (2)
  - (a) When the municipality 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 municipality 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 municipality and the service agency.
- (2) Should a person fail to take the measures required of him or her by notice, the municipality may, subject to subsection (4) recover all costs incurred as a result of it acting in terms of paragraph 44(12) from that person.
- (3) The costs claimed must be reasonable and may include, without being limited to, costs relating to labour, water, equipment, administrative and overhead costs.
- (4) 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 the municipality must be signed by the Municipal Manager or by a duly authorised officer of the municipality, such authority being conferred by resolution of the municipality or by a By-law or regulation, and when issued by the municipality in terms of these By-laws is deemed to be duly issued if it is signed by an officer authorised by the municipality.
- (2) Any notice or other document that is served on a person in 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 registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgment of the posting thereof from 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 body 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 authorised 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 it is not necessary to name that person.
- (5) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the Municipal Manager, or a person in attendance at the Municipal Manager's office.

#### **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 rights 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 Mayor 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**

- (1) 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 for every day such offence continues, or in default of payment thereof, to imprisonment.

**49. Revocation of by-laws**

The by-laws relating to work in road reserve are herein repealed to the extent that they contradict this by-law:

**50. Short title and commencement**

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

## **SCHEDULES**

- Schedule 1: Application For Intended Work In Road Reserve Form
- Schedule 2: Application For Permission To Commence Work Form
- Schedule 3: Permission To Perform Work Form
- Schedule 4: Figures 1 and 2
- Schedule 5: Completion Notice
- Schedule 6: Reinstatement Order
- Schedule 7: Certificate of Completion
- Schedule 8: Limits

**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 applicant undertakes to do the work according to the latest edition of the CODE OF PRACTICE FOR WORK IN THE ROAD RESERVE.

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

**APPLICANT**

AGENCY/DEPARTMENT / PRIVATE:

\_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_

CONTACT TEL: \_\_\_\_\_

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

CONTRACTOR: \_\_\_\_\_

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

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

**PROVISIONAL DATES**

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

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

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

LOCATION OF WORK (give full details)

SUBURB : STREET NAME:

STREET (FROM) : STREET (TO):

ERF NO'S :

HOUSE NO'S :

**EXCAVATION DETAILS:**

LENGTH OF EXCAVATION:

RIDING SURFACE \_\_\_\_\_ m<sup>2</sup> :

KERBS ----- m<sup>2</sup>

ASPH FOOTWAY: \_\_\_\_\_ m<sup>2</sup>

INTERNAL BLOCK \_\_\_\_\_ m<sup>2</sup>

UNPAVED FOOTWAYS \_\_\_\_\_ m<sup>2</sup>

SPECIAL NOTE

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

THE FOLLOWING AGENCIES ARE AWARE THAT THE APPLICANT WILL BE WORKING WITHIN THE VICINITY OF THEIR SERVICES, HAVE GIVEN THE APPLICANT THEIR CONDITIONS FOR WORKING WITHIN THE VICINITY OF THEIR SERVICES AND THEREFORE HAVE NO OBJECTION TO 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: \_\_\_\_\_

DATE RECEIVED  
SIGNATURE

NAME OF OFFICIAL

### SCHEDULE 3 PERMISSION TO PERFORM WORK FORM

APPROVED:

YES	NO	WAYLEAVE 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 my responsibility to contact the relevant Service agencies within and outside the area of jurisdiction of the Maletswai 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, in order to obtain final wayleave approval and permission to work within the Road Reserve;

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

Guarantee all backfilling and permanent reinstatement work done by 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 work, including any damages to other Services, backfilling and reinstatements of trenches, the cost of any tests that may be required and any 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 exercising by the applicant of the rights granted by the issuing

of the wayleave as well as in respect of cost which may be incurred by the Road Authority in examining or resisting any such demands, actions, legal proceedings and claims, instituted by any person or party for injury to person(s) loss of life or damage to or loss of property, arising directly or indirectly 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)

---

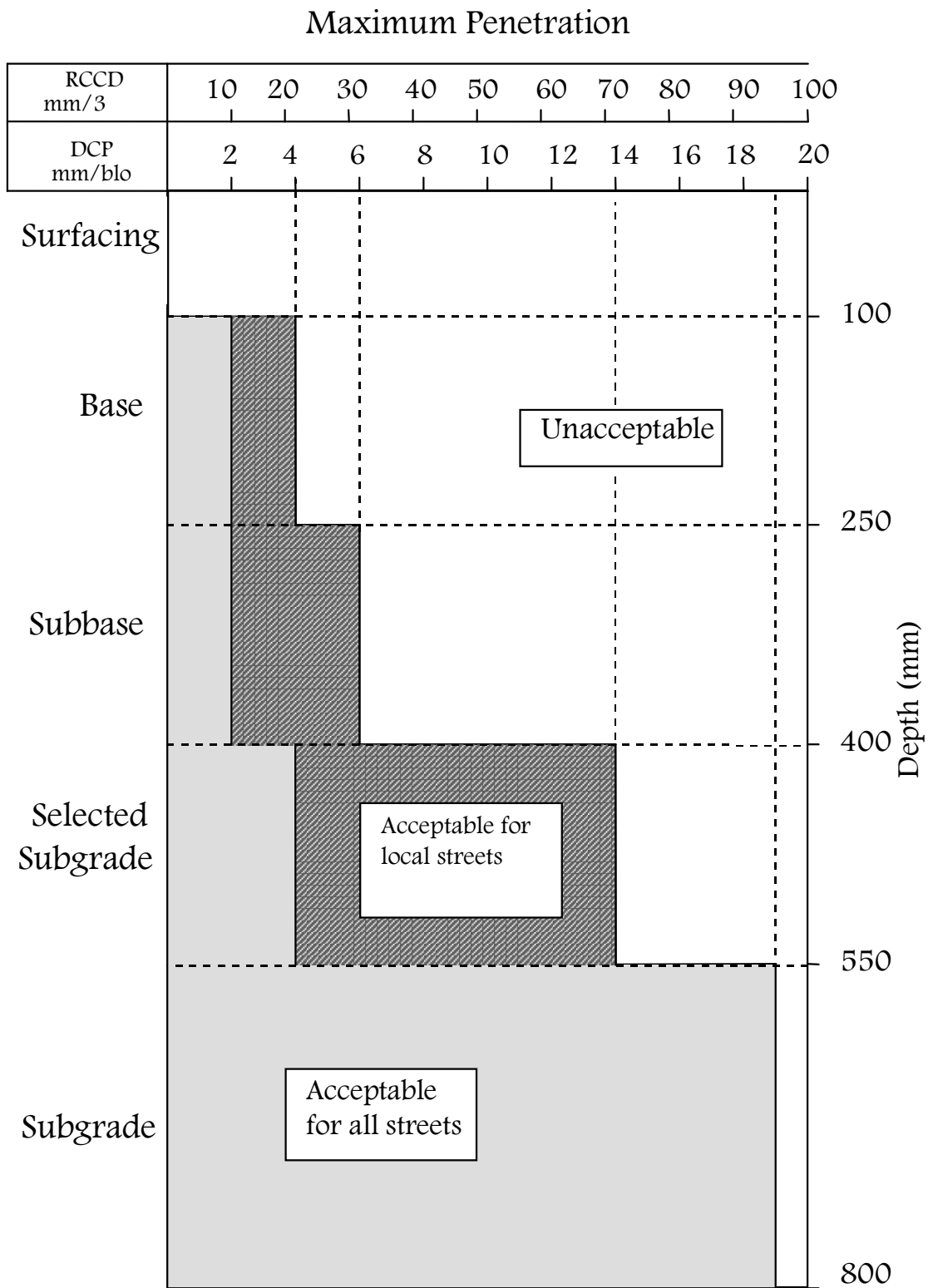
Date



**SCHEDULE 4**  
**FIGURES 1 AND 2**

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

**Figure 1**  
**Recommended method for permanent backfilling**



**Figure 2**  
**Typical DUTCH CONE PERETROMETER and Rapid Compaction Control**  
**Device Penetration Diagram**

**SCHEDULE 5  
COMPLETION NOTICE**

**CERTIFICATE OF INSPECTION AND / OR COMPLETION**

Wayleave No.: \_\_\_\_\_

The Road Authority Inspector must sign this form. The signature is just for administrative control and by no means implies that the work has been done according to the specifications and conditions of the wayleave. The 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: \_\_\_\_\_

Telephone 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: \_\_\_\_\_

**SCHEDULE 7:  
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 site 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: \_\_\_\_\_

**SCHEDULE 8**  
**LIMITS**

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