
BY-LAW RELATING TO COMMONAGES#

TABLE OF CONTENTS

1. Definitions
2. Purpose of by-laws

**CHAPTER 1
RESERVING OF LAND AS AND MANAGEMENT OF COMMONAGE**

3. Reserving land as commonage
4. Closing of camps, setting of traps, and gathering of animals

**CHAPTER 2
ANIMALS ON COMMONAGE**

5. Grazing permit and payment of commonage fees
6. Application for and issue of grazing permit
7. Confinement of stock to camps
8. Numbers and condition of animals
9. Branding of stock
10. Infected animals
11. Carcasses of animals

**CHAPTER 3
PLOT PERMIT FOR GARDENING OR OTHER ACTIVITY ON COMMONAGE**

12. Plot permit required to undertake gardening or other economic activity on commonage
13. Application for and issue of plot permit

**CHAPTER 4
PROHIBITED ACTIONS AND FIREBREAK**

14. Prohibited actions
15. Firebreak

**CHAPTER 5
DRAUGHT ANIMALS AND DRIVING OF CATTLE**

16. Draught animals
17. Driving of loose cattle

**CHAPTER 6
MANAGEMENT OF COMMONAGES**

18. Management and maintenance of commonage
19. Appointment of veterinary surgeon

**CHAPTER 7
MISCELLANEOUS PROVISIONS**

20. Liability
21. Exemptions

22. Liaison forums in community
23. Traditional councils
24. Authentication and service of notices and other documents
25. Appeal
26. Transitional Arrangements
27. Penalties
28. Repeal of by-laws
29. Short title and commencement

1. Definitions

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

"animal" means any cattle, sheep, goat, horse, mule, donkey, pig, and ostrich or the hybrid of such animal; and

"brand" has the meaning assigned to it in the Livestock Brands Act, 1962 (Act 87 of 1962);

"commonage" means any land or portion of land which is in possession or under the control of the Municipality and set aside by the Municipality for the purposes of establishing grazing camps for animals or plots for crop or plant production, gardening or other agriculture-related economic activity;

"large stock" has the meaning assigned to it in the Livestock Brands Act, 1962 (Act 87 of 1962);

"municipality" means the Mangaung Local Municipality and its legal successors, and when referred to as-

- (a) a legal entity, means Mangaung Local Municipality as described in section 2 of the Local Government: Municipal Systems Act, (Act No. 32 of 2000);
- (b) a geographic area, means the municipal area of the Mangaung Local Municipality as determined from time to time in terms of the Local Government : Municipal Demarcation Act, 1998 (Act No 27 of 1998); and
- (c) any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the Municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"permit holder" means the person to whom a permit has been issued by the Municipality in terms of these by-laws;

"plot" means any portion of a commonage set aside by the Municipality for other purposes than grazing.

"prescribed" means prescribed by the Municipality;

"small stock" has the meaning assigned to it in the Livestock Brands Act, 1962 (Act 87 of 1962).

- (2) In these by-laws, unless the context indicates otherwise, words and expressions denoting the singular shall include the plural and vice versa, words and expressions denoting the male sex shall include the female sex and vice versa and reference to a natural person shall include a legal person and vice versa.

2. Purpose of by-laws

The purpose of these by-laws is to provide for the reserving of land as commonage and the control, conservation and administration of a commonage established by the Municipality, and of municipal land.

CHAPTER 1
RESERVING OF LAND AS AND MANAGEMENT OF COMMONAGE

3. Reserving land as commonage

- (1) The Municipality may by resolution, subject to the provisions of any law or any restrictions regarding the use of land in the title deed of that land –
- (a) reserve municipal land suitable to be utilized as a commonage;
 - (b) at any time add defined municipal land to the commonage so reserved; and
 - (c) at any time, partly or wholly withdraw any land which forms part of the commonage from being used for grazing, crop or plant production gardening or other agriculture-related economic activity.
- (2) The Municipality –
- (a) must divide each piece of land reserved as commonage in terms of subsection (1), in separate fenced off camps suitable for the grazing of animals or gardening plots, allocating a number to each camp and garden plot;
 - (b) may provide, in each camp or plot such facilities as may be necessary for the maintenance of animals or gardening in that camp or plot;
 - (c) must compile proper maps of each piece of land reserved as part of the commonage, indicating at least the boundaries of camps, plots, gates, boreholes and drinking facilities;
 - (d) may set apart portions of the commonage for the grazing of small stock and large stock, allocate the animals of each permit holder to a specific camp or camps, in accordance with the conditions of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), and allocate land to a lessee and notify such permit holder or lessee accordingly;
 - (e) may provide the necessary infrastructure, such as but not limited to fences, water, roads, paddocks or enclosures for animals, and ensure such infrastructure is in place before any permit is issued or lease or rental agreements are entered into;
 - (f) must ensure that leases or rental agreements comply with local tariffs as advised by the Department of Agriculture, fully understood by the lessee;
 - (g) must adhere to the commonage management plan and ensure that lessees adhere to such plan;
 - (h) must develop and implement a proper program of division into smaller camps for rotation of grazing on land reserved as commonage, revised on a seasonal basis on advise of officials of the Department of Agriculture, including a proper program for the control of weeds and invader plants in accordance with the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983); and
 - (i) may keep records, open for public inspection, regarding –
 - (a) all permits or lease holders;
 - (b) dates of expiry of all permits;
 - (c) payments or exemptions of payment of all permit holders; and

(d) any other matter which needs to be recorded.

4. Closing of camps, setting of traps, and gathering of animals

- (1) The Municipality may, whenever it deems it necessary for a purpose such as, but not limited to, maintenance or allowing a meadow to regenerate grass growth as advised by officials of the Department of Agriculture, in accordance with the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), close any portion of the commonage or close and reserve the grazing of a camp on the commonage, during certain periods of the year.
- (2) No person may use any portion of the commonage or allow his animal to graze in a camp, which has been closed by the Municipality for whatever purpose or reason.
- (3) The Municipality may impound an animal found in a camp which has been closed in terms of subsection (1).
- (4) The Municipality may cause traps to be set for vermin on the commonage in collaboration with qualified biologists of the Department of Tourism, Environmental and Economic Affairs, and in accordance with conditions of the National Environmental Management Act, 1998 (Act 107 of 1998).
- (5) The Municipality has the right to inspect all animals on the commonage from time to time to ascertain if the animals are registered with the Municipality in accordance with the provisions of the Animal Identification Act, 2002 (Act 6 of 2002), and animals which are not registered, may be impounded.
- (6) A person who contravenes subsection (2), or a person interfering with or damaging traps contemplated in subsection (4) in any way or releasing or removing or causing to be released or removed any vermin from such traps or in any way disposing of any bodies from such a trap without the prior approval of the municipality, or a person who interferes in any way with the collecting of animals regarded as vermin as contemplated in subsection (5) commits an offence.

CHAPTER 2 ANIMALS ON COMMONAGE

5. Grazing permit and payment of commonage fees

- (1) A person may not graze animals on the commonage of the Municipality, unless –
 - (a) he is the holder of a grazing permit issued by the Municipality, subject to the conditions of such permit stipulating the camp number in the commonage and the number and kind of animals to be kept in the camp as revised annually by qualified agriculturists in accordance with Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983);
 - (b) the animal is the progeny of a female animal grazed in terms of a grazing permit contemplated in subsection (1) and is not older than 8 months and does not affect overcapacity of the scientifically predetermined grazing capacity in accordance with the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983); and
 - (c) he has paid, in advance, the commonage fees determined by the Municipality, in respect of the period for which the grazing permit was issued.
- (2) A permit holder may be exempted partly or wholly, in terms of the indigent policy of the Municipality, of the payment contemplated in subsection (1) (c).
- (3) A person who grazes his animals on the commonage in contravention of a provision of subsection (1), or who does not qualify as an indigent or who ceases to qualify as an indigent or who fails forthwith to inform the Municipality that he no longer qualifies as an indigent in terms of the indigent policy of the Municipality, commits an offence.

6. Application for and issue of grazing permit

- (1) An application for a grazing permit must –
 - (a) be directed to the Municipal Manager;
 - (b) be on the prescribed form made available by the Municipality for this purpose;
 - (c) contain adequate proof that the applicant is a permanent resident within the area of jurisdiction of the Municipality;
 - (d) contain adequate proof that the applicant is not an employee of the Mangaung Local Municipality ;
 - (e) contain such further particulars as the Municipality may require; and
 - (f) contain documentation regarding the ownership of a brand mark as contemplated in section 9..
- (2) . When considering an application the Municipal Manager must, with the aim of establishing if the applicable number of animals for which application is made can be accommodated in the commonage of the Municipality, take into account the availability and condition of the land in the commonage, as determined by a survey by agricultural specialists no longer than a months prior to the application, and in accordance with the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983).
- (3) After due consideration of the application, the Municipal Manager must –
 - (a) issue the permit as applied for by the applicant;
 - (b) issue a permit for a lesser number of animals than applied for, accompanied by a report, drafted by the Department of Agriculture regarding the latest carrying capacity of the land in accordance with the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983); or
 - (c) give written notification to the applicant that his application was unsuccessful and state the reasons thereof.
- (4) A permit for the grazing of animals on the municipal commonage is —
 - (a) valid for three years or less and all permits shall lapse on the last day of June of each year;
 - (b) subject to the conditions set out in the permit; and
 - (c) subject to prior payment of the commonage fees contemplated in section 5(1)(c).
- (5) The Municipality may withdraw a permit for the grazing of animals on the municipal commonage if the permit holder contravenes or fails to comply with —
 - (a) a condition subject to which the permit was issued;
 - (b) any provision of these by-laws;
 - (c) a lawful direction by the Municipal Manager or the veterinary surgeon appointed by the Municipality in terms of section 19; or
 - (d) an instruction by the Department of Agriculture’s Animal Health Division or Soil Protection Directorate, and a permit holder must be given an opportunity to give reasons why his permit must not be withdrawn.

(6) A permit to graze animals on the commonage of the Municipality is not transferable

7. Confinement of stock to camps

(1) A person depasturing on commonage must confine stock to the camp set apart by the Municipality after a permit to the effect had been obtained from the Department of Agriculture, Directorate Soil Conservation and Land Protection in accordance with the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983).

(2) A person who contravenes subsection (1) commits an offence and commits an offence in terms of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983).

8. Numbers and condition of animals

(1) The Municipality must, in accordance with recommendation of the Department of Agriculture made in terms of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), determine the numbers and kinds of animals that may be accommodated on the commonage by a person.

(2) A person keeping an animal on the commonage must ensure that the health of the animal complies with the provisions of the Animal Health Act, 2002 (Act 7 of 2002) and must thus ensure that the animal is in a healthy condition.

(3) A person commits an offence if he –

(a) keeps more than the determined number of animals as contemplated in subsection (1) on a commonage; fails to keep an animal in a healthy condition as contemplated in subsection (2);

(b) fails to file a declaration as contemplated in subsection (3); or

(c) provides false information to the Municipality.

9. Branding of stock

(1) A person who depastures any stock on the commonage must, in accordance with the provisions of the Animal Identification Act, 2002 (Act 6 of 2002) and the Animal Identification Regulations published under GN R1683 in GG 25732 of 21 November, 2003, as amended, register with the Registrar of Brand Marks a distinctive brand for large stock and a distinctive brand for small stock.

(2) All stock must at all times bear such registered brand marks, which must be clearly visible and legible and which must satisfy the requirements of the legislation contemplated in subsection (1).

(3) The municipality, in the exercise of its duty, or any authorised person or institution, shall impound immediately stock found on the commonage without such distinct brand.

(4) No person may register in his or her name stock belonging to another person.

(5) The Municipality may keep a register of all brands registered in terms of subsection (1).

(6) A person who contravenes a provision of subsection (1), (2) or (4) commits an offence.

10. Infected animals

(1) Before releasing livestock into municipal grazing land, a person must provide to the Municipality written proof by the Directorate Animal Health of the Department of Agriculture regarding the health condition of all livestock.

- (2) No person may graze, bring or release any stock suffering from or suspected of being infected with any contagious or infectious disease, on the commonage.
- (3) Any stock found on the commonage suspected of being infected with any contagious or infectious disease must, at the cost of the owner, be inspected by a veterinary surgeon or a livestock inspector of the Department of Agriculture's Directorate Animal Health in accordance with the Animal Health Act, 2002 (Act 7 of 2002), and treated in accordance with the provisions of the Act.
- (4) A person who contravenes subsection (1) or (2) or who fails to act in accordance the provisions of subsection (3) commits an offence.

11. Carcasses of animals

- (1) The owner of an animal which has died on the commonage, must immediately cause the carcass to be buried, cremated or removed in accordance with the Animal Health Act, 2002 (Act 7 of 2002), and should he or she fail to do so, the Municipality shall bury, cremate or remove the carcass of such animal and claim the expenses for such burial, cremation or removal from the owner.
- (2) A person who fails to dispose of a carcass as contemplated in subsection (1) commits an offence.

CHAPTER 3

PLOT PERMIT FOR GARDENING, CROP OR PLANT PRODUCTION OR OTHER AGRICULTURE-RELATED ECONOMIC ACTIVITY ON COMMONAGE

12. Plot permit required to undertake gardening, crop or plant production or other agriculture-related economic activity on commonage

- (1) A person may not undertake gardening or any other agriculture-related economic activity on any plot set aside for this purpose on the commonage of the Municipality, unless –
 - (a) he is the holder of a plot permit issued by the Municipality, subject to the conditions of such permit stipulating the plot number in the commonage and the kind of economic activity to be conducted on that plot; and
 - (b) he has paid the commonage plot fees, determined by the Municipality, in respect of the period for which the permit was issued.
- (2) A permit holder may be exempted partly or wholly, in terms of the indigent policy of the Municipality, of the payment contemplated in subsection (1)(b).
- (3) A person who contravenes subsection (1)(a) commits an offence.

13. Application for and issue of plot permit

- (1) An application for a plot permit must –
 - (a) be directed to the Municipal Manager;
 - (b) be in the prescribed form made available by the Municipality for this purpose;
 - (c) contain adequate proof that the applicant is a permanent resident within the area of jurisdiction of the Municipality; and
 - (d) contain such further particulars as the Municipality may require.

- (2) When considering an application, the Municipal Manager must take into account the availability and condition of plots on the commonage of the Municipality to accommodate the required economic activity for which application is made.
- (3) After due consideration of the application, the Municipal Manager must –
 - (a) issue the permit as applied for by the applicant; or
 - (b) give written notification to the applicant that his application was unsuccessful and state the reasons thereof.
- (4) A plot permit for gardening or any other economic activity on the municipal commonage is issued –
 - (a) for a period of one year or less and all plot permits shall lapse on the last day of June of each year;
 - (b) subject to the conditions set out in the permit; and;
 - (c) subject to prior payment of the commonage plot fees contemplated in section 12(1)(b) .
- (5) The Municipality may withdraw a plot permit for gardening or other economic activity on the municipal commonage if the permit holder contravenes or fails to comply with –
 - (a) a condition subject to which the permit was issued;
 - (b) any provision of these by-laws; or
 - (c) a lawful direction by the Municipal Manager,and a permit holder must be given an opportunity to give reasons why his permit must not be withdrawn.
- (6) A plot permit to undertake gardening or other economic activity on the commonage of the Municipality is not transferable.

CHAPTER 4 PROHIBITED ACTIONS AND FIREBREAK

14. Prohibited actions

- (1) No person may –
 - (a) keep any animal in any residential area or on the boundaries thereof;
 - (b) keep a pig on the commonage in any place other than in an enclosure or cage as approved by the municipal manager and in accordance with the Animals Protection Act, 1962 (Act 71 of 1962);
 - (c) keep any animal on the commonage, of which animal he is not the bona fide owner;
 - (d) kill or slaughter, or kill and slaughter any animal on the commonage;
 - (e) enter into or remain in or at the Municipality's water resources without prior written approval from the Municipality;
 - (f) erect any hut, shelter, kraal, habitation or structure of any kind nor occupy, camp or squat on any portion of the commonage without the consent of the Municipality;

- (g) without prior permission of the Municipality, accumulate, dump or deposit or cause to be accumulated, dump or deposited on any portion of the commonage any scrap or waste, including animal waste;
 - (h) on grazing camps of the commonage dig or remove soil, clay, sand, gravel or boulders without a valid and current permit issued by the Municipality;
 - (i) make bricks, or erect brick-, lime- or charcoal kilns, on the any land within the municipal area, or on land under control of the Municipality, without prior written consent of the Municipality, except on land denoted for such purposes in terms of an approved spatial development plan and zoning scheme and further subject to payment of the fees determined by Municipality;
 - (j) cut, damage, burn, destroy, gather or remove any plants, shrubs, trees, timber, firewood, brushwood, manure or any grass growing or being upon any portion of grazing camps on the commonage without prior written permission of the Municipality;
 - (k) interfere with or cause damage to any fence, gate, drinking trough, water tap or other appliance or thing, or set fire to the pasture or any bush, tree, shrub on the commonage;
 - (l) make use of any road over the commonage other than such roads as shall be allowed open by the Municipality from time to time;
 - (m) deposit or in any way leave any poison for whatever purpose on the commonage without the written permission of the Municipality, and in compliance with the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act 36 of 1947).;
 - (n) kill, catch, capture, hunt, remove or attempt to kill, any game on the commonage;
 - (o) set traps of whatsoever description on the commonage without the prior written consent of the Municipality;
 - (p) remove any bees, hives or honey from the commonage without the written permission of the Municipality; or
 - (q) hunt, shoot, catch, disturb or kill any wild bird on the commonage or destroy or disturb the nest of any wild bird, nor shall any person remove the eggs or young thereof from such nest.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

15. Firebreak

A permit holder or lessee must provide and maintain on the commonage a firebreak as determined by the municipal manager, in compliance with the National Veld and Forest Fire Act, 1998 (Act 101 of 1998), however, in the event of a failure by the permit holder or lessee to provide and maintain such fire break, the municipal manager may provide and maintain a firebreak and recover the costs thereof from such permit holder or lessee .

CHAPTER 5 DRAUGHT ANIMALS AND DRIVING OF CATTLE

16. Draught animals

- (1) A person who, during a break in a journey and for the purpose of allowing an animal to graze, unharnesses his or her animal, may do so on a site on the municipal land set apart for that purpose only
- (2) (a) A person contemplated in subsection (1) is allowed free grazing and water for his or her draught animal for 36 hours only, calculated from the time he or she breaks the journey.

- (b) In addition to the period allowed in paragraph (a), the Municipality may, if satisfied on application of the necessity thereof, grant a permit for a further period not exceeding 48 hours to such person upon payment to the Municipality in advance of the prescribed fee.
 - (c) Upon the expiration of the period allowed under paragraph (a) or of the additional period granted under paragraph (b), an animal of such person found on any part of the municipal land may be impounded by an authorised official.
- (3) A person in good faith visiting, travelling through, or bringing produce into the municipal area is allowed to depasture his or her necessary draught animals on a site on municipal land as contemplated in subsection (1) for a period of not more than 36 hours, and upon the expiration of such period, he or she must obtain from the Municipality a permit to further so keep his or her animal, and pay to the Municipality in advance the prescribed fee, and such permit shall in no case be for a longer period than seven days, after the expiration of which the animal of such person found on the municipal land may be impounded by an authorised official.
 - (4) A person passing through the municipal land with an animal contemplated in subsection (3), must keep such animal along and within 30 metres of the edge of a public road, and such animal must be under the care and supervision of a competent herdsman.
 - (5) Where a person has to acquire a permit as contemplated in subsection 2(b) or (3), he or she must complete and submit the prescribed form and pay the prescribed fee, and the permit may be granted subject to such conditions as the Municipality may found to be necessary under the circumstances.
 - (6) The permit serves as proof of payment of any fee.
 - (7) A person who supplies false information or who fails to comply with conditions imposed in a permit commits an offence.
 - (8) A person who fails to obtain a permit after the expiry of 36 hours as contemplated in subsection (2)(b) or (3) commits an offence.
 - (9) The owner or person who is found guilty of a contravention of a provision of this section is, in addition to the fine imposed, responsible for all the costs incurred and damages sustained by the Municipality, and such costs and damages may be recovered by the Municipality in terms of the Customer Care and Revenue Management By-laws, 2007.

17. Driving of loose large stock

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

(d) for each additional 50, or portion thereof of small stock: 1 attendant.

(4) A person who fails to comply with a provision of subsection (1), (2) or (3) commits an offence.

CHAPTER 6 MANAGEMENT OF COMMONAGES

18. Management and maintenance of commonage

(1) The Municipal Manager is responsible for the proper management and maintenance of all land forming part of the commonage.

(2) The Municipality must appoint a commonage inspector, on a full time or part time basis, to exercise the functions prescribed by the municipal manager.

19. Appointment of veterinary surgeon

The Municipality shall make use of the services of a state veterinarian to exercise the functions prescribed by or under any law relating to animals.

CHAPTER 7 MISCELLANEOUS PROVISIONS

20. Liability

The permit holder is liable for –

(a) any damage or claims, which originate from damage caused by his animal or animals outside the commonage; and

(b) any damage to or loss of the infrastructure or installations on a grazing camp or plot at the expiry of the permit.

21. Exemptions

(1) Any person may by means of a written application, in which the reasons are given in full, apply to the Municipality for exemption from any provision of these by-laws.

(2) The Municipality may –

(a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted must be stipulated therein;

(b) alter or cancel any exemption or condition in an exemption; or

(c) refuse to grant an exemption.

(3) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the Municipality under subsection (2), however, if an activity is commenced before such undertaking has been submitted to the Municipality, the exemption lapses.

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

22. Liaison forums in community

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

23. Traditional councils

The Municipality may, within the conditions of applicable national and provincial legislation and in the spirit of sections 4(1) and 5 of the Traditional Leadership and Governance Framework Act, 2003 (Act 41 of 2003), liaise with a traditional council regarding the implementation and enforcement of the provisions of these by-laws within the area of jurisdiction of such traditional council.

24. Authentication and service of notices and other documents

- (1) A notice issued by the Municipality in terms of these by-laws is deemed to be duly issued if an official of the Municipality signed it.
- (2) Any notice or other document that is served on a person in terms of these by-laws is regarded as having been duly 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 land or business premises 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 the 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 is 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.

25. Appeal

An aggrieved person may in terms of section 62(4)(b) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), appeal to the Municipality against a finding of the Municipal Manager.

26. Transitional Arrangements

Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of these by-laws, as the case may be.

27. Penalties

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

28. Repeal of by-laws

All by-laws relating to commonages adopted by the Municipality or any Municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.

29. Short title and commencement

This By-law is called the **Mangaung, Commonages By-law** and comes into operation on the date of publication thereof in the Provincial Gazette.

**Schedule
(Section 17(1) and (2))**

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

- | | | | |
|----|----------------------------------|------------------------|--|
| 1. | Bounded Areas
(Section 14(1)) | Municipal land | |
| 2. | Routes
(Section 14(2)) | From the R43 into town | OR Tambo Street, into
Station Street |
| | | From the R67 | Gravel Street, into
Main Street, into
Station Street |

NOTE: THE STREETS MENTIONED IN ITEM (2) MERELY SERVE AS EXAMPLES.