

LOCAL GOVERNMENT POWERS AND FUNCTIONS – DEFINITIONS, NORMS AND STANDARDS

INTRODUCTION

The Constitution states in section 156(1) that a municipality has executive authority in respect of, and has the right to administer the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5. These functions are contained in the table below.

Schedule 4 Part B	Schedule 5 Part B
<ul style="list-style-type: none"> • Air pollution • Building regulations • Child care facilities • Electricity and gas reticulation • Firefighting services • Local tourism • Municipal airports • Municipal planning • Municipal health services • Municipal public transport • Municipal public works • Pontoons, ferries, jetties, piers and harbours, • Stormwater management systems in built-up areas • Trading regulations • Water and sanitation services 	<ul style="list-style-type: none"> • Beaches and amusement facilities • Billboards and the display of advertisements in public places • Cemeteries, funeral parlours and crematoria • Cleansing • Control of public nuisances • Control of undertakings that sell liquor to the public • Facilities for the accommodation, care and burial of animals • Fencing and fences • Licensing of dogs • Licensing and control of undertakings that sell food to the public • Local amenities • Local sport facilities • Markets • Municipal abattoirs • Municipal parks and recreation • Municipal roads • Noise pollution • Pounds • Public places • Refuse removal, refuse dumps and solid waste disposal • Street trading • Street lighting • Traffic and parking

Category A municipalities (metropolitan areas) have all the above listed functions. However, Section 154(3)(c) then states that subject to section 229, national legislation must make provision for an appropriate division of powers and functions between municipalities when an area has municipalities of both category B and category C. In addition, a division of powers and functions between a category B municipality and a category C municipality may differ from the division of powers and functions between another category B municipality and that category C municipality.

Section 84 of the Municipal Structures Act as amended then provides the division of the powers and functions between these two categories of municipalities. Section 84(1) states that a district municipality has the following functions and powers:

- (a) Integrated development planning for the district municipality as a whole, including a framework for integrated development plans of all municipalities in the area of the district municipality.
- (b) Potable water supply systems.
- (c) Bulk supply of electricity, which includes for the purposes of such supply, the transmission, distribution and, where applicable, the generation of electricity.
- (d) Domestic waste-water and sewage disposal systems.
- (e) Solid waste disposal sites, in so far as it relates to-
 - (i) the determination of a waste disposal strategy;
 - (ii) the regulation of waste disposal;
 - (iii) the establishment, operation and control of waste disposal sites, bulk waste transfer facilities and waste disposal facilities for more than one local municipality in the district.
- (f) Municipal roads which form an integral part of a road transport system for the area of the district municipality as a whole.
- (g) Regulation of passenger transport services.
- (h) Municipal airports serving the area of the district municipality as a whole.
- (i) Municipal health services.
- (j) Fire fighting services serving the area of the district municipality as a whole, which includes-
 - (i) planning, co-ordination and regulation of fire services;
 - (ii) specialised fire fighting services such as mountain, veld and chemical fire services;
 - (iii) co-ordination of the standardisation of infrastructure, vehicles, equipment and procedures;
 - (iv) training of fire officers.
- (k) The establishment, conduct and control of fresh produce markets and abattoirs serving the area of a major proportion of the municipalities in the district.
- (l) The establishment, conduct and control of cemeteries and crematoria serving the area of a major proportion of municipalities in the district.
- (m) Promotion of local tourism for the area of the district municipality.
- (n) Municipal public works relating to any of the above functions or any other functions assigned to the district municipality.
- (o) The receipt, allocation and, if applicable, the distribution of grants made to the district municipality.
- (p) The imposition and collection of taxes, levies and duties as related to the above functions or as may be assigned to the district municipality in terms of national legislation.

Section 84(2) then states that a local municipality has the functions and powers in Schedule 4 Part B and Schedule 5 Part B as listed in the Constitution, excluding those functions and powers vested in terms of section 84(1) in the district municipality in whose area it falls.

What is apparent when examining the above information, is that the Constitution does not provide any definitions for the functions listed in Schedule 4 Part B and Schedule 5 Part B while some description for certain functions is offered in the Municipal Structures Act. However, information is only provided as it relates to the district and certainly those functions for local government are not defined. In some instances, definitions are provided in other national legislation but this is the exception rather than the rule.

Like the definitions for the powers and functions, the norms and standards associated with a function is again poorly described in legislation. In some cases, information can be gleaned from national policy documents but again this is limited. Regulations promulgated under section 9 of the Water Services Act, Act 108 of 1997, for instance, relates to compulsory national standards and measures to conserve water. In terms of Section 44.(a)(ii) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 4, but excluding, subject to subsection(2), a matter within a functional area listed in Schedule 5.

National government must therefore, with regards to any matters within all the functional areas listed in Schedule 4, but in the case of Schedule 5 only when it is necessary for

- national security,
 - economic unity,
 - establishing essential national standards,
 - instituting minimum standards in respect of service delivery, and
 - preventing unreasonable action taken by a province which prejudices another province or the country as a whole -
- Determine if there is existing legislation and its current applicability and constitutionality;
 - Determine the need for a review of such legislation or the drafting of new legislation
 - Pass legislation with regards to matters listed in Schedule 4 and within functional areas listed in Schedule 5, subject to subsection (2).

The MDB began a process in 1999 toward providing definitions for all the Schedule 4 Part B and Schedule 5 Part B functions. During 2002, the work intensified and a document was released to national and provincial departments and was made available on the Board's website which provided definitions for each of the functions. Comment was invited and the document was amended accordingly. Simultaneously, the MDB commenced an investigation into the norms and standards for each function. This report then combines core elements from both the MDB's 2002 Definitions Report and the 2002 Norms and Standards Report.

The report is structured in the following manner:

- Each function as contained in Schedule 4 Part B and Schedule 5 Part B is defined
- Each function is provided with a ranking in terms of the importance attached to the deliver of the service
 - **1 or red** = high importance – must be delivered
 - **2 or orange** = moderate importance – should be delivered

→ **3 or yellow** = low importance – delivered if funds are available

- The responsibilities in relation to each function for the national and provincial governments and district and local municipalities.
- The minimum level of service the public can expect, the municipal requirement and the associated MDB assessment for the function.

Remember that municipalities have a constitutional obligation to provide the functions contained in Schedule 4 Part B and Schedule 5 Part B.

The Board hopes that the report will, in the absence of any other comprehensive document on the matter, provide a guide to municipalities and other government agencies as to the definitions and the associated norm and standard for each of the Schedule 4 Part B and Schedule 5 Part B functions. However, it should be noted that the report has no legal status and may well in future be superseded by documents published by the Department of Provincial and Local Government.

SCHEDULE 4 PART B

FUNCTION: AIR POLLUTION

Definition - Air pollution (Local Function)

Air pollution means:

Any change in the quality of the air that adversely affects human health or well-being or the ecosystems useful to mankind, now or in the future.

Function ranking:

Air pollution	Coastal : 2	Inland: 2
Air pollution	High level of urbanization/ industrial activity: 2	Predominately rural municipality with no or limited industrial activity: 3

Roles and Responsibility – Air pollution

National Responsibility:

- In terms of Section 44.(a)(ii) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 4. National government must therefore, with regards to air pollution:
 - Determine if there is existing legislation and its current applicability and constitutionality;
 - Determine the need for a review of such legislation or the drafting of new legislation, and
 - Pass appropriate legislation.

The Atmospheric Pollution Prevention Act, 1965 (Act. 45 of 1965) (APPA) was deemed outdated and national government began developing the National Environmental Management: Air Quality Bill. The draft bill was published on 2003/05/19 (www.environment.gov.za) and seeks to repeal APPA

Provincial Responsibility	District Responsibility	Local Responsibility
In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which, by implication, includes the enactment of legislation on municipal functions.	<ul style="list-style-type: none"> • To build the capacity of the local municipalities in its area to perform this function where capacity is lacking • Perform this function in the DMA area as per the responsibilities listed for the local municipalities contained in the table 	<ul style="list-style-type: none"> • Must exercise any power concerning, or incidental to, the effective performance of this function. • Determine a service delivery mechanism for the performance of the function (internal or external)

<p>A provincial government must therefore:</p> <ul style="list-style-type: none"> (i) Determine if there is existing legislation and its current applicability and constitutionality; (ii) Determine the need for a review of such legislation or the drafting of new legislation (iii) Build the capacity of municipalities to perform this function (iv) Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function (v) Adjust the performance of the function to the district municipality if there is a lack of capacity and if the MDB so recommends (vi) Ensure that the performance of this function is addressed in the municipality's IDP <p>As pollution control is a concurrent national and provincial competence, provinces must investigate as to whether this function can most effectively be administered locally and as to whether a municipality has the capacity to administer it. If so, the function must be assigned to the municipality by agreement and subject to any conditions as provided for in section 156(4) of the Constitution.</p> <p>If the split between the provincial and local competencies in respect of this function is to be maintained, a clear delineation of responsibilities is required.</p>	<ul style="list-style-type: none"> • Only if authorized by the MEC or legislation is enacted to redefine this function e.g. as part of municipal health services. 	<ul style="list-style-type: none"> • If performed internally, develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Work with residents including business and industries to ensure best possible quality of air within the municipal area. • Implement policy and regulations; • Monitor compliance, and • Deal with complaints • Ensure coordination with related functions such as electricity and refuse removal
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Minimum Level of Service – Air pollution

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>If performed internally:</p> <p>The municipality should have the ability to:</p> <ul style="list-style-type: none"> • Establish air quality standards for the municipality which are compliant with national and provincial legislation • Monitor the air quality within the municipality 	<p>If performed internally then it should have:</p> <p>A department or sub section with:</p> <ul style="list-style-type: none"> • At least one qualified environmental health officer • Equipment and infrastructure necessary for checking air quality and database management 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • The function is performed internally by the municipality or externally • The performance of the function is included in the municipality's IDP <p>If internally, determine whether:</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality's organogram

<ul style="list-style-type: none"> Enforce air quality regulations <p>If performed externally:</p> <ul style="list-style-type: none"> Perform the authority role linked to the air pollution function Be able to undertake a section 78 investigation Prepare a service level agreement which includes performance criteria Ability to perform the function if the contractor fails to perform or terminates the contract 	<ul style="list-style-type: none"> Budget allocation in the operating budget estimates <p>If performed externally:</p> <ul style="list-style-type: none"> Contracts manager to prepare and monitor the service level agreement Legal department to ensure legal compliance Finance controls to ensure payment is against performance 	<ul style="list-style-type: none"> It has sufficient staff to perform the function for the whole municipal area It has a budget allocation for the air pollution control in the operating estimates It has equipment and infrastructure for monitoring air quality control and other related aspects to the function. <p>If externally, determine whether:</p> <ul style="list-style-type: none"> A service level agreement is in place with the external service provider Mechanisms are in place to ensure contract performance If relevant, an estimate is in the operating budget for financing the function
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FUNCTION: BUILDING REGULATIONS (Local Function)

Definition – Building Regulations

Building regulations mean:

The regulation, through by-laws, and legislated building regulations, of any temporary or permanent structure attached to, or to be attached to, the soil within the area of jurisdiction of a municipality, which must at least provide for:

- Approval of building plans,*
- Building inspections,*
- Issue of completion certificates, and*
- Control of operations and enforcement of contraventions of building regulations if not already provided for in national and provincial legislation.*

Function ranking:

Building regulations	Coastal : 2	Inland : 2
Building regulations	Predominately urban: 2	Predominately rural: 2

Roles and Responsibilities – Building regulations (Local Function)

National Responsibility:

- In terms of Section 44.(a)(ii) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 4. National government must therefore, with regards to building regulations:
 - Determine if there is existing legislation and its current applicability and constitutionality;

- Determine the need for a review of such legislation or the drafting of new legislation, and
- Pass appropriate legislation.

The National Building Regulations and Building Standards Act 103 of 1997 is the responsibility of the Department of Trade and Industry. The Department, with the support of the South African Bureau of Standards, reviews the building regulations and drafts new standards.

Provincial Responsibility	District Responsibility	Local Responsibility
<p>In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which, by implication, includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> • Determine if there is existing legislation and its current applicability and constitutionality; • Determine the need for a review of such legislation or the drafting of new legislation • Build the capacity of municipalities to perform this function • Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function • Adjust the performance of the function to the district municipality if there is a lack of capacity and if the MDB so recommends • Ensure that the performance of this function is addressed in the municipality's IDP 	<ul style="list-style-type: none"> • To build the capacity of the local municipalities in its area to perform this function where capacity is lacking • Perform this function in the DMA area as per the responsibilities listed for the local municipalities contained in the table • Only if authorized by the MEC 	<ul style="list-style-type: none"> • Must exercise any power concerning or incidental to the effective performance of this function. • Determine a service delivery mechanism for the performance of the function (internal or external) • If performed internally, develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Ensure compliance with regulatory measures, including standard building regulations • Approval of building plans, • Building inspections, • Control of operations and enforcement of contraventions of building regulations • Archive and maintain register of building plans submitted and approved in the municipalities area of jurisdiction • Must be co-ordinated with other, relevant functions such as water and sanitation, electricity, municipal health services and housing.

Minimum Level of Service – Building regulations

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>If performed internally:</p> <p>The municipality should have the ability to:</p> <ul style="list-style-type: none"> Assess of building plans according to established standards, Undertake building inspections, and The control of operations and the enforcement of building regulations and contraventions <p>If performed externally:</p> <ul style="list-style-type: none"> Perform the authority role linked to the building regulations function Undertake a section 78 investigation Prepare a service level agreement which includes performance criteria Perform the function if the contractor fails to perform or terminates the contract 	<p>If performed internally:</p> <p>A department or sub section should have:</p> <ul style="list-style-type: none"> At least one qualified building inspector with delegated authority to enforce building regulations Equipment and infrastructure such as computers, storage facilities for building plans, filing system which is compliant with the Archives Act Budget allocation in operating estimates <p>If performed externally:</p> <ul style="list-style-type: none"> Contracts manager to prepare and monitor the service level agreement Legal department to ensure legal compliance Finance controls to ensure payment is against performance 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> The function is performed internally by the municipality or externally The performance of the function is included in the municipality's IDP <p>If internally, determine whether:</p> <ul style="list-style-type: none"> Post/s are identified in the municipality's organogram It has sufficient staff to perform the function for the whole municipal area It has a budget allocation for the building regulations function in the operating estimates It has equipment and infrastructure for performing the building regulations function and related aspects. <p>If externally, determine whether:</p> <ul style="list-style-type: none"> A service level agreement is in place with the external service provider Mechanisms are in place to ensure contract performance If relevant, an estimate in the operating budget for financing the function

FUNCTION: CHILD CARE FACILITIES (Local Function)

Definition – Child Care Facilities

Child care facilities means:

Ensuring a safe and healthy environment within facilities not included in national and provincial legislation pertaining to child care facilities.

Function ranking:

Child care facilities	Coastal: 2	Inland: 2
Child care facilities	Predominately urban: 2	Predominately rural: 2

Roles and Responsibilities – Child Care Facilities

National Responsibility:

- In terms of Section 44.(a)(ii) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 4. National government must therefore, with regards to childcare facilities:
 - Determine if there is existing legislation and its current applicability and constitutionality;
 - Determine the need for a review of such legislation or the drafting of new legislation, and
 - Pass appropriate legislation.

Provincial Responsibility	District Responsibility	Local Responsibility
<p>Comment “Welfare services” is a concurrent national and provincial competence but “child care facilities” is a municipal function.</p> <p>It is yet to be determined if the child care facilities related to welfare, education, health are also included in the municipal function.</p> <p>Interpretation: In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional area list in schedules 4 and 5 which by implication includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> • Determine if there is existing legislation and its current applicability and constitutionality; • Determine the need for a review of such legislation or the drafting of new legislation • Build the capacity of municipalities to perform this function • Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function • Adjust the performance of the function to the district municipality if there is a lack 	<ul style="list-style-type: none"> • To build the capacity of the local municipalities in its area to perform this function • Perform this function in the DMA area as per the responsibilities listed for the local municipalities contained in the table • If authorized by the MEC 	<ul style="list-style-type: none"> • Must exercise any power concerning, or incidental to, the effective performance of this function. • Determine a service delivery mechanism for the performance of the function (internal or external) • If performed internally, develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Monitor the operation of the child care facilities for adherence to standards and registration requirements • Ensure coordination with related functions such as municipal health

<p>of capacity and if the MDB so recommends</p> <ul style="list-style-type: none"> • Ensure that the performance of this function is addressed in the municipality's IDP 		
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Minimum Level of Service – Child Care Facilities

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>If performed internally:</p> <p>The municipality should have the ability to:</p> <ul style="list-style-type: none"> • Register and certify all institutions that provide child care facilities within the municipal area that are not covered by national and provincial legislation. • Undertake inspections and enforce regulations for child care facilities • Record all facilities within the municipal area of jurisdiction <p>If performed externally:</p> <ul style="list-style-type: none"> • Perform the authority role linked to the child care facilities function • Undertake a section 78 investigation • Prepare a service level agreement which includes performance criteria • Perform the function if the contractor fails to perform or terminates the contract 	<p>If performed internally then:</p> <p>A department or sub section should have:</p> <ul style="list-style-type: none"> • At least one qualified environmental health officer or social worker with delegated authority to enforce child care facilities regulations • Equipment and infrastructure necessary for the function • Budget allocation in the operating estimates <p>If performed externally:</p> <ul style="list-style-type: none"> • Contracts manager to prepare and monitor the service level agreement • Legal department for ensuring legal compliance • Finance controls to ensure payment is against performance 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • The function is performed internally by the municipality or externally • The performance of the function is included in the municipality's IDP <p>If internally, determine whether:</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality's organogram • It has sufficient staff to perform the function for the whole municipal area • It has a budget allocation for the child care facilities in the operating estimates • It has equipment and infrastructure for performing the childcare facilities function and related aspects. <p>If externally, determine whether:</p> <ul style="list-style-type: none"> • A service level agreement is in place with the external service provider • Mechanisms are in place to ensure contract performance • If relevant, an estimate is in the operating budget for financing the function

FUNCTIONS: ELECTRICITY AND GAS RETICULATION (District Function)

Definition - Electricity and gas reticulation

“Electricity reticulation” means:

Bulk supply of electricity, which includes for the purposes of such supply, the transmission, distribution and, where applicable, the generation of electricity, and also the regulation, control and maintenance of the electricity reticulation network, tariff policies, monitoring of the operation of the facilities for adherence to standards and registration requirements, and any other matter pertaining to the provision of electricity in the municipal areas.

“Gas reticulation” means:

Bulk supply of gas, which includes for the purposes of such supply, the transmission, distribution, regulation and control of the gas, including tariff policies, the maintenance of any gas network, and any other matter pertaining to the provision of gas in the municipal areas.

Function ranking:

Electricity and gas reticulation	Coastal -1	Inland -1
Electricity and gas reticulation	Predominately urban: 1	Predominately rural: 1

Roles and Responsibilities - Electricity and gas reticulation

National Responsibility:

- In terms of Section 44(a)(ii) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 4. National government must therefore, with regards to electricity:
 - Determine if there is existing legislation and its current applicability and constitutionality;
 - Determine the need for a review of such legislation or the drafting of new legislation, and
 - Pass appropriate legislation.
- In terms of Section 84 (3) of the Municipal Structures Act (117 of 1998)
- The Minister of Provincial and Local Government, in consultation with the Minister of Minerals and Energy and the MEC for local government in the province, can adjust the performance of the function to the local municipality if there is a lack of capacity in the district.

Provincial Responsibility	District Responsibility	Local Responsibility
<p>In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which, by implication, includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> • Determine if there is existing legislation and its current applicability and constitutionality; • Determine the need for a review of such legislation or the drafting of new legislation • Build the capacity of 	<ul style="list-style-type: none"> • Must exercise any power concerning, or incidental to, the effective performance of the function. • Determine a service delivery mechanism for the performance of the function (internal or external) • If performed internally, develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer 	<ul style="list-style-type: none"> • Must perform the electricity function as listed under “district responsibility” if authorized to do so by the Minister for Provincial and Local Government • Must, where necessary, perform the gas function. • Bulk supply of electricity, which includes for the purposes of such supply, the transmission, distribution and, where applicable, the generation of electricity • Must exercise any power concerning, or incidental to, the effective performance of this function. • Determine a service delivery mechanism for the

<p>municipalities to perform this function</p> <ul style="list-style-type: none"> • Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function • Adjust the performance of the function to the district municipality if there is a lack of capacity and if the MDB so recommends • Ensure that the performance of this function is addressed in the municipality's IDP 	<p>bylaws in terms of section 156(2) of the Constitution</p> <ul style="list-style-type: none"> • Build the capacity of the local municipalities in its area to perform this function where capacity is lacking • Perform this function in the DMA area as per the responsibilities listed for the local municipalities contained in the table • Bulk supply of electricity including transmission, distribution & where applicable the generation of electricity 	<p>performance of the function (internal or external)</p> <ul style="list-style-type: none"> • If performed internally develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Monitoring of the operation of the facilities for adherence to standards and registration requirements • The provision, operation and maintenance of an electricity and gas reticulation system within the area of the local municipality • Ensure coordination with related functions such as housing and air pollution.
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Minimum Level of service - Electricity and gas reticulation

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>If performed internally:</p> <p>The municipality should have the ability to provide:</p> <ul style="list-style-type: none"> • Grid electricity with 5-8 amp supply and a typical consumption of 60 kWh per household per month, which is enough to provide for lighting and other small requirements such as radio, television and fridge. Other sources of energy such as paraffin should be purchased for cooking and heating. • Non-grid electricity used in combination with biomass and other fuels, such as solar power, wind, mini-hydropower, petrol, diesel. • Manage and maintain an electricity supply service for 	<p>If performed internally then it should have:</p> <p>An electricity department which could be a sub unit of the technical services department/ cluster with:</p> <ul style="list-style-type: none"> • At least one qualified electrical engineer in a management position • Middle management and general workers for maintenance purposes • Equipment and infrastructure necessary for the function • Budget allocation operating estimates for both income and expenditure • Capital budget allocation for addressing backlogs (if applicable) 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • The function performed internally by the municipality or externally • The performance of the function is included in the municipality's IDP <p>If internally determine whether:</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality's organogram • It has sufficient staff to perform the function for the whole municipal area • There are operating budget estimates for income and expenditure of the current financial year • The actual income and expenditure for the previous financial year is available • The municipality has equipment and infrastructure

<p>the municipality</p> <ul style="list-style-type: none"> • Planning abilities in terms of human and financial resources. • Set the electricity tariffs • Draft and implement a credit control policy • Draft and implement an indigent policy • Address the service backlogs within the area of registration <p>If performed externally by a non ESKOM service provider then the municipality must:</p> <ul style="list-style-type: none"> • Perform the authority role linked to the electricity function • Ensure a service level agreement is in place which includes performance criteria 	<p>If performed externally:</p> <ul style="list-style-type: none"> • Contracts manager with technical knowledge to prepare and monitor the service level agreement • Legal department for ensuring legal compliance • Financial management to facilitate the setting of tariffs. 	<p>for performing the electricity function and related aspects.</p> <p>If externally then:</p> <ul style="list-style-type: none"> • A service level agreement is in place with the external service provider – Non ESKOM provider • Mechanisms are in place to ensure contract performance
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FUNCTIONS: FIREFIGHTING SERVICES (Shared Function)

Definition – Firefighting services

In relation to *district municipality*, “fire fighting” means:

Fire services serving the area of the district municipality as a whole, and includes-

- (i) *planning, co-ordination and regulation of fire services;*
- (ii) *specialised fire fighting services such as mountain, veld and chemical fire services;*
- (iii) *co-ordination of the standardisation of infrastructure, vehicles, equipment and procedures;*
- (iv) *training of fire officers*

In relation to *local municipality*, “fire fighting” means:

Any function not included in the definition applicable to a district municipality, including fighting and extinguishing of all fires; the rescue and protection of any person, animal or property in emergency situations not covered by other legislation or powers and functions.

This may include the following:

- (a) *preventing the outbreak or spread of a fire;*
- (b) *fighting or extinguishing a fire;*
- (c) *the protection of life or property against a fire or other threatening danger;*

- (d) the rescue of life or property from a fire or other danger;
- (e) subject to the provisions of the Health Act, the rendering of an ambulance service as an integral part of the fire brigade service; or
- (f) the performance of any other function connected with any of the matters referred to in paragraphs (a) to (e).

Function ranking:

Firefighting services	Coastal: 1	Inland: 1
Firefighting services	Predominately urban: 1	Predominately rural: 1

Roles and Responsibilities – Firefighting services**National Responsibility:**

- In terms of Section 44.(a)(ii) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 4. National government must therefore, with regards to fire fighting
 - Determine if there is existing legislation and its current applicability and constitutionality;
 - Determine the need for a review of such legislation or the drafting of new legislation, and
 - Pass appropriate legislation.

In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
<p>In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which, by implication, includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> • Determine if there is existing legislation and its current applicability and constitutionality; • Determine the need for a review of such legislation or the drafting of new legislation • Build the capacity of municipalities to perform 	<ul style="list-style-type: none"> • Must exercise any power concerning, or incidental to, the effective performance of the District function. • Determine a service delivery mechanism for the performance of the function (internal or external) • If performed internally, develop or maintain the capacity to perform the function • Make provision for the fire fighting function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution 	<ul style="list-style-type: none"> • Must perform the district function if so authorized by the MEC. • Must exercise any power concerning, or incidental, to the effective performance of its function. • Determine a service delivery mechanism for the performance of its function (internal or external) • If performed internally, develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system

<p>this function</p> <ul style="list-style-type: none"> • Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function • Adjust the performance of the function to a district municipality if there is a lack of capacity and if the MDB so recommends • To ensure that the performance of this function is addressed in the municipality's IDP <p>In terms of the Fire Brigade Services Act 99 of 1987 and the Constitution section? the rendering of an ambulance service as an integral part of the fire brigade service</p>	<ul style="list-style-type: none"> • Fire fighting services serving the area of the district municipality as a whole, which includes- <ul style="list-style-type: none"> (i) planning, co-ordination and regulation of fire services; (ii) specialised fire fighting services such as mountain, veld and chemical fire services; (iii) co-ordination of the standardisation of infrastructure, vehicles, equipment and procedures; (i) training of fire officers. • Build the capacity of the local municipalities in its area to perform the local function where capacity is lacking • Perform this function in the DMA area as per the responsibilities listed for the local municipalities contained in the table • In terms of section 26(g) for the Municipal Systems Act, make provision for Disaster Management Plans in the municipality's IDP. • If authorised by the MEC, then perform the local function 	<ul style="list-style-type: none"> • May make and administer bylaws in terms of section 156(2) of the Constitution • Fire fighting services, including- <ul style="list-style-type: none"> • provision of fire fighting services in the area of the local municipality • planning, co-ordination and regulation of fire fighting services in the area of the local municipality • Ensure coordination with related functions such as municipal health services, electricity
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Minimum Level of Service – Firefighting services

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>1 fire station per every 60 000 people (local de jure standard recommendation from Behrens and Watson, 1996)</p> <p><i>District municipality</i> - if performed internally the municipality should have the ability to:</p> <ul style="list-style-type: none"> • plan, co-ordinate and regulate the fire service • provide specialist fire fighting services such as mountain, veld and chemical fire services • co-ordinate the standardization of infrastructure, vehicles and equipment • train fire officers <p><i>District municipality</i> - if performed</p>	<p><i>District municipality</i></p> <p>If performed internally there should be a department or sub section with:</p> <ul style="list-style-type: none"> • At least one qualified fire officer in a management position with the ability to plan and co-ordinate the fire services for the district • Full time or part time fire fighters trained in specialist fires • Equipment and infrastructure necessary for fighting specialist fires such as mountain, veld and chemical fires • Facility and equipment for the training of fire officers for the district – this could be a shared facility with an 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • The function performed internally by the municipality or externally • The performance of the function is included in the municipality's IDP <p><i>District Municipality</i></p> <p>If internally, determine whether:</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality's organogram • It has sufficient staff to perform the district fire fighting function • It has a budget allocation for the fire fighting services in the operating estimates • It has equipment and infrastructure for performing

<p>externally:</p> <ul style="list-style-type: none"> • Perform the authority role linked to the fire fighting services function • Undertake a section 78 investigation • Prepare a service level agreement which includes performance criteria • Perform the function if the contractor fails to perform or terminates the contract <p><i>Local municipality</i> - if performed internally the municipality should have the ability to:</p> <ul style="list-style-type: none"> • Undertake any function not applicable to the district that includes fighting and extinguishing all fires • Rescue and protection of persons in an emergency situation • Regulate fire safety standards in accordance with national and provincial legislation. <p><i>Local municipality</i> - if performed externally:</p> <ul style="list-style-type: none"> • Perform the authority role linked to the fire fighting services function at the local municipality level • Undertake a section 78 investigation • Prepare a service level agreement which includes performance criteria • Perform the function if the contractor fails to perform or terminates the contract 	<p>adjacent district</p> <ul style="list-style-type: none"> • Budget allocation for the district fire fighting function in the operating estimates <p>If performed externally:</p> <ul style="list-style-type: none"> • Contracts manager with specialist knowledge to prepare and monitor the service level agreement • Legal department for ensuring legal compliance • Finance controls to ensure payment is against performance <p><i>Local Municipality</i></p> <p>If performed internally then the municipality should have a department or sub department with:</p> <ul style="list-style-type: none"> • At least one qualified fire officer in a management position • Full time, part time or volunteer fire fighters linked to fire stations which are strategically located within the municipality • Equipment and infrastructure necessary for the fighting of fires • Budget allocation for the local municipality fire fighting function in the operating estimates <p>If performed externally:</p> <ul style="list-style-type: none"> • Contract manager with specialist knowledge to prepare and monitor the service level agreement • Legal department for ensuring legal compliance • Finance controls to ensure payment is against performance 	<p>the district fire fighting function and related aspects.</p> <p>If externally, determine whether :</p> <ul style="list-style-type: none"> • A service level agreement is in place with the external service provider • Mechanisms are in place to ensure contract performance • If relevant, an estimate in the operating budget for financing the function <p><i>Local Municipality</i></p> <p>If internally determine whether:</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality’s organogram • It has sufficient staff to perform the local municipality fighting function for the area as whole • It has a budget allocation for the fire fighting services in the operating estimates • It has equipment and infrastructure for performing the local municipality fire fighting function and related aspects. <p>If externally, determine whether:</p> <ul style="list-style-type: none"> • A service level agreement is in place with the external service provider • Mechanisms are in place to ensure contract performance • If relevant, an estimate in the operating budget for financing the function
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FUNCTIONS: LOCAL TOURISM (Shared Function)

Definition – Local tourism

In relation to the *district municipality*, “local tourism” means:

The promotion of local tourism for the area of the district municipality.

In relation to the *local municipality*, “local tourism” means:

The promotion, marketing and, if applicable, the development, of any tourist attraction within the area of the municipality with a view to attract tourists; to ensure access, and municipal services to such attractions, and to regulate, structure and control the tourism industry in the municipal area subject to any provincial and national legislation, and without affecting the competencies of national/provincial government pertaining to “nature conservation”, “museums”, “libraries” and “provincial cultural matters”.

Function ranking:

Local tourism	Coastal: 3	Inland: 3
Local tourism	Predominately urban: 3	Predominately rural: 3

Roles and Responsibilities – Local tourism

National Responsibility:

- In terms of Section 44.(a)(ii) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 4. National government must therefore, with regards to local tourism:
 - Determine if there is existing legislation and its current applicability and constitutionality;
 - Determine the need for a review of such legislation or the drafting of new legislation, and
 - Pass appropriate legislation.
- In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
<p>In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which, by implication, includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> • Determine if there is existing legislation and its current applicability and constitutionality; • Determine the need for a review of such legislation or 	<ul style="list-style-type: none"> • Must develop the local tourism strategy and plan for the district area as a whole in co- operation with the local municipalities so as to prevent duplication of efforts and expenditure. • Determine a service delivery mechanism for the performance of the function (internal or external) • If performed internally, develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this 	<ul style="list-style-type: none"> • Must perform this function within the local area • Determine a service delivery mechanism for the performance of the function (internal or external) • If performed internally develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management

<p>the drafting of new legislation</p> <ul style="list-style-type: none"> • Build the capacity of municipalities to perform this function • Monitor the performance of the municipality in the exercising it executive and legislative authority pertaining to this function • Adjust the performance of the function to a district municipality if there is a lack of capacity and if the MDB so recommends • Ensure that the performance of this function is addressed in the municipality's IDP <p>As tourism is a concurrent national and provincial competence, provinces must investigate as to whether this function can most effectively be administered locally and as to whether a municipality has the capacity to administer it, if so, the function must be assigned to the municipality by agreement and subject to any conditions as provided for in section 156(4) of the Constitution. This would include matters such as nature conservation, museums, libraries, and cultural matters.</p> <p>If the split between the provincial and local competencies in respect of tourism is to be maintained, a clear delineation of responsibilities is required.</p>	<p>function in the operating budget</p> <ul style="list-style-type: none"> • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Build the capacity of the local municipalities in its area to perform this function where capacity is lacking • Perform this function in the DMA area as per the responsibilities listed for the local municipalities contained in the table • Promotion, marketing and development of tourism infrastructure in the district. • If authorized by the MEC or legislation to perform the function for a local municipality 	<p>system</p> <ul style="list-style-type: none"> • May make and administer bylaws in terms of section 156(2) of the Constitution • Perform the function for the district if authorized to do so by the MEC • Regulation, control and management of tourism attractions • Ensure coordination with related functions such as local economic development, beaches and amusement facilities and municipal public transport
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Minimum Level of Service - Local tourism

Minimum Level of Service	Municipal Requirement	MDB Capacity Assessment
<p><i>District municipality</i> - if performed internally, the municipality should have the ability to:</p> <ul style="list-style-type: none"> • Identify tourism opportunities within the district • Prepare a tourism development plan for the district as a whole <p><i>District municipality</i> - if performed externally:</p> <ul style="list-style-type: none"> • Perform the authority role linked to the tourism function 	<p><i>District municipality</i></p> <p>If performed internally then the municipality should have a sub section with:</p> <ul style="list-style-type: none"> • At least one staff member preferably trained in tourism development or an urban and regional planner performing the function. This person could have other responsibilities within the municipality – i.e. does 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • The function is performed internally by the municipality or externally • The performance of the function is included in the municipality's IDP <p><i>District and Local Municipality</i></p> <p>If internally, determine whether:</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality's organogram

<ul style="list-style-type: none"> • Prepare a service level agreement which includes performance criteria • Perform the function if the contractor fails to perform or terminates the contract <p><i>Local municipality</i> - if performed internally the municipality should have the ability to:</p> <ul style="list-style-type: none"> • Identify tourism opportunities within the local municipal area • Prepare a tourism development plan for the area of the local municipality <p><i>Local municipality</i> - if performed externally:</p> <ul style="list-style-type: none"> • Perform the authority role linked to the local tourism function at the local municipality level • If required, in terms of section 77 of the Municipal Systems Act, undertake a section 78 investigation • Prepare a service level agreement which includes performance criteria • Perform the function if the contractor fails to perform or terminates the contract 	<p>not need to be full time or with a sole function</p> <ul style="list-style-type: none"> • Equipment and infrastructure necessary for preparing the tourism plan and managing tourism promotion • Budget allocation in the operating estimates for the district local tourism function <p>If performed externally:</p> <ul style="list-style-type: none"> • Contracts manager to prepare and monitor the service level agreement • Legal department for ensuring legal compliance • Finance controls to ensure payment for the service <p><i>Local Municipality</i></p> <p>If performed internally then the municipality should have a sub section with:</p> <ul style="list-style-type: none"> • At least one staff member preferably trained in tourism development or an urban and regional planner performing the function. This person could have other responsibilities within the municipality – i.e. does not need to be full time or with a sole function • Equipment and infrastructure necessary for preparing the tourism plan and managing tourism promotion • Budget allocation in the operating estimates for the local municipality local tourism function <p>If performed externally:</p> <ul style="list-style-type: none"> • Contracts manager to prepare and monitor the service level agreement • Legal department for ensuring legal compliance • Finance controls to ensure payment for the service 	<ul style="list-style-type: none"> • It has sufficient staff to perform the function for the district or local municipality • It has a budget allocation for the local tourism function in the operating estimates • It has equipment and infrastructure for performing the district or local tourism function. <p>If externally, determine whether :</p> <ul style="list-style-type: none"> • A service level agreement is in place with the external service provider • Mechanisms are in place to ensure contract performance • If relevant, an estimate in the operating budget for financing the function
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FUNCTIONS: MUNICIPAL AIRPORTS (Shared Function)

Definition – Municipal airports

Municipal airport means a demarcated area on land or water or a building which is used or intended to be used, either wholly or in part, for the arrival or departure of aircraft which includes the establishment and maintenance of such facility including all infrastructure and services associated with an airport, and the regulation and control of the facility, but excludes airports falling within the competence of national and provincial governments

Additionally, in relation to the district it is a “municipal airport” serving the area of the district municipality as a whole.

In relation to the local municipality it is a “municipal airport” serving the area of the local municipality only.

Function Ranking:

Municipal airports	Coastal: 3	Inland: 3
Municipal airports	Predominately urban: 3	Predominately rural: 3

Roles and Responsibilities – Municipal airports

National Responsibility:

- In terms of Section 44.(a)(ii) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 4. National government must therefore, with regards to municipal airports:
 - Determine if there is existing legislation and its current applicability and constitutionality;
 - Determine the need for a review of such legislation or the drafting of new legislation, and
 - Pass appropriate legislation.

- In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
<p>In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which, by implication, includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> • Determine if there is existing legislation and its current applicability and 	<ul style="list-style-type: none"> • Must exercise any power concerning, or incidental to, the effective performance of this function where the municipal airport serves the area of the district municipality as a whole. • Determine a service delivery mechanism for the performance of the function (internal or external) • If performed internally, develop or maintain the capacity to perform the function 	<ul style="list-style-type: none"> • Must perform this function if the airport only serves the area of the local municipality • Must exercise any power concerning, or incidental to, the effective performance of this function. • Determine a service delivery mechanism for the performance of the function (internal or external) • If performed internally,

<p>constitutionality;</p> <ul style="list-style-type: none"> • Determine the need for a review of such legislation or the drafting of new legislation • Build the capacity of municipalities to perform this function • Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function • Adjust the performance of the function to a district municipality if there is a lack of capacity and if the MDB so recommends • Ensure that the performance of this function is addressed in the municipality's IDP <p>If the split between the provincial and local competencies, in respect of the function, is to be maintained, a clear delineation of responsibilities is required.</p>	<ul style="list-style-type: none"> • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Build the capacity of the local municipalities in its area to perform the local function where capacity is lacking • Airports that serve the district as a whole • Perform this function as per the listing under local municipality within the DMA area if the airport only serves the DMA • If authorized by the MEC or legislation to perform the function for a local municipality 	<p>develop or maintain the capacity to perform the function</p> <ul style="list-style-type: none"> • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Perform the function for the district if authorized to do so by the MEC • Undertake the establishment and operation of airports that serve the local municipality only. • Ensure coordination with related functions such as local economic development, local tourism and municipal public transport
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Minimum Level of Service - Municipal airports

Minimum Level of Service	Municipal Requirement	MDB Capacity Assessment
<p>It is not necessary to have a municipal airport within either the district or the local municipality area.</p> <p>However, if there is such a facility within the municipal area, then the district and or the local municipality should make:</p> <ul style="list-style-type: none"> • The provision of an adequately equipped facility which meets the minimum safety standards of the Aviation Authority for the operation of a municipal airport • A record of the number of aircrafts making use of the airport – statistics must kept in accordance with the volume of traffic at the airport • Financial management of the of revenue generated through landing fees <p><i>Both District and Local</i></p>	<p><i>District and/or municipality</i></p> <p>If performed internally, the municipality should have at least a sub section with:</p> <ul style="list-style-type: none"> • The minimum of one staff member, trained within the aviation sector, in a management or middle management position • Sufficient support staff located at the airport to meeting the aviation safety standards • Equipment and infrastructure necessary for meeting the aviation safety standards • Budget allocation for the municipal airport function in the operating estimates <p>If performed externally:</p> <ul style="list-style-type: none"> • Contracts manager with specialist knowledge to prepare and monitor the service level agreement 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • The function is performed internally by the municipality or externally • The performance of the function is included in the municipality's IDP <p><i>District and Local Municipality</i></p> <p>If internally, determine whether:</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality's organogram • It has sufficient staff to perform the function for the district or local municipality • It has a budget allocation in the operating estimates for the municipal airports function • It has equipment and infrastructure for performing the district or local municipal airports function. <p>If externally, determine whether:</p> <ul style="list-style-type: none"> • A service level agreement is in place with the external

<p><i>municipality</i> – if function performed externally:</p> <ul style="list-style-type: none"> • Perform the authority role linked to the municipal airports function • Undertake a section 78 investigation to determine the external service provider • Prepare a service level agreement which includes performance criteria • Perform the function if the contractor fails to perform or terminates the contract 	<ul style="list-style-type: none"> • Legal department to ensure legal compliance 	<p>service provider</p> <ul style="list-style-type: none"> • Mechanisms are in place to ensure contract performance • If relevant, an estimate in the operating budget for financing the function
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FUNCTIONS: MUNICIPAL PLANNING (Shared Function)

Definition – Municipal planning

Municipal Planning means the compilation and implementation of an integrated development plan in terms of the Systems Act.

Additionally in relation to the district municipality “municipal planning” means: Integrated development planning for the district as a whole, including a framework for integrated development plans of all municipalities in the area of the district municipality.

- Additionally in relation to the local municipality “municipal planning” means:
- Integrated development planning for the local municipality in accordance with the framework for integrated development plans prepared by the district municipality
 - Development and implementation of a town planning scheme or land use management scheme for the municipality including administration of development applications in terms of special consents and rezonings.

It may therefore be advisable to establish integrated development planning and municipal planning as two separate functions.

Function ranking:

Municipal planning	Coastal - 1	Inland – 1
Municipal health services	Predominately urban area: 1	Predominately rural area: 1

Roles and Responsibilities – Municipal planning

National Responsibility:

- In terms of Section 44.(a)(ii) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 4. National government must therefore, with regards to municipal planning:

- Determine if there is existing legislation and its current applicability and constitutionality;
 - Determine the need for a review of such legislation or the drafting of new legislation, and
 - Pass appropriate legislation.
- In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
<p>To perform any function in respect of integrated development plans, as required by the Systems Act.</p>	<p>Must prepare an integrated development plan for the district as a whole in compliance with the Systems Act:</p> <p>The framework must bind both the district municipality and the local municipalities in the area of the district municipality, and must at least:</p> <ul style="list-style-type: none"> ● Identify the plans and planning requirements that are binding in terms of national and provincial legislation on the district municipality and the local municipalities or on any specific municipality; ● Identify the matters to be included in the integrated development plans of the district municipality and the local municipalities that require alignment; ● Specify the principles to be applied and co-ordinate the approach to be adopted in respect of those matters; and determine procedures <ul style="list-style-type: none"> ○ for consultation between the district municipality and the local municipalities during the process of drafting their respective integrated development 	<p>Must prepare an integrated development plan for the areas of the local municipality in compliance with the Systems Act and within the district framework. They must also prepare the associated Sector plans within their competence.</p> <p>In addition, they must prepare Local Integrated Development Plans for smaller defined areas within the municipality.</p> <p>In terms of the Local Government Municipal Planning and Performance Regulations, 2001 (Government Notice 22605, 24 August 2001) LA's have to prepare Spatial Development Frameworks.</p> <p>In terms of the existing Town Planning Ordinances, or the anticipated Planning Act of 2003 (currently a Bill) local municipalities have to prepare Town Planning Schemes or Land use Management schemes. Thereafter, in accordance with the associated regulations, the LA has to administer development applications in terms of Special Consent applications or rezonings.</p> <p>In some cases, municipal planning functions include LED and Strategic Planning (corporate, institutional planning) within municipalities.</p> <p>Ensure coordination with all municipal functions</p>

	<ul style="list-style-type: none"> o plans; and to effect essential amendments to the framework. 	
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Minimum Level of Service - Municipal planning

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>If performed internally:</p> <p>The municipality should have the ability to:</p> <ul style="list-style-type: none"> • Establish municipal planning by laws which are compliant with national and provincial legislation • Prepare an IDP framework in accordance with the Municipal Systems Act • Enforce planning by laws. <p>If performed externally:</p> <ul style="list-style-type: none"> • Perform the authority role linked to the municipal planning function. • Undertake a section 78 investigation if required in terms of section 77 of the Municipal Systems Act • Prepare a service level agreement which includes performance criteria • Perform the function if the contractor fails to perform or terminates the contract 	<p>If performed internally there should be a department or sub department in the Technical Services Department with:</p> <ul style="list-style-type: none"> • At least one person dedicated to the co-ordinating the IDP process and a qualified Town and Regional planner • Equipment and infrastructure necessary for the municipal planning function • Budget allocation in the operating budget estimates <p>If performed externally:</p> <ul style="list-style-type: none"> • One person from the DM dedicated to oversee the completion of the IDP • A project manager to coordinate input from other professionals and prepare and monitor the IDP process according to pre-determined milestones • Legal department to ensure legal compliance • Finance controls to ensure payment is against performance 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • The function is performed internally by the municipality or externally • The performance of the function is included in the municipality's IDP <p>If internally, determine whether:</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality's organogram • It has sufficient staff to perform the function for the whole municipal area • It has a budget allocation for the municipal planning function in the operating estimates • It has equipment and infrastructure for monitoring municipal planning and other related aspects to the function. <p>If externally then:</p> <ul style="list-style-type: none"> • A service level agreement is in place with the external service provider • Mechanisms are in place to ensure contract performance • If relevant, an estimate in the operating budget for financing the function

FUNCTIONS: MUNICIPAL HEALTH SERVICES (District Function)

Definition – Municipal health services

According to the Minmec resolution in July 2002:

Municipal Health Services to be defined as environmental health services, as defined in the latest draft of the National Health Bill, namely: for the protection, promotion and maintenance of human health, potable water quality monitoring, food control, waste management, control of premises, communicable disease control, vector control, environmental pollution control, disposal of the dead, chemical safety and noise control but

excluding port health, malaria control and control of hazardous substances.

This definition of municipal health service includes aspects of at least the following Schedule 4 Part B and Schedule 5 Part B functions:

- Air pollution
- Noise pollution
- Solid waste removal and & disposal
- Water and sanitation
- Licensing and control of undertakings that sell food to the public
- Control of public nuisances
- Facilities for the accommodation, care and burial of animals

In order for the above definition of municipal health services to be enforceable, an amendment to at least the Municipal Structures Act will be required. The Minister for Provincial and Local Government has published regulations in the Government Gazette on 3 January 2003 for the municipal health services function, which will come into affect on 1 July 2004. In the interim, the MECs have made adjustments for the some of the functions listed above.

Function ranking:

Municipal health services	Coastal: 1	Inland: 1
Municipal health services	Predominately urban area: 1	Predominately rural area: 1

Roles and Responsibilities – Municipal health services

National Responsibility:

- In terms of Section 44.(a)(ii) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 4. National government must therefore, with regards to municipal health:
 - Determine if there is existing legislation and its current applicability and constitutionality;
 - Determine the need for a review of such legislation or the drafting of new legislation, and
 - Pass appropriate legislation.

In terms of Section 84 (3) of the Municipal Structures Act (117 of 1998) the Minister of Provincial and Local Government, in consultation with the Minister of Health and the MEC for local government in the province, can adjust the performance of the function to the local municipality if there is a lack of capacity in the district.

Provincial Responsibility	District Responsibility	Local Responsibility
To ensure that districts are authorized to perform the functions included in the definition In terms of section 104(1)(b)(i)	<ul style="list-style-type: none"> • Must exercise any power concerning, or incidental to, the effective performance of this function. • Determine a service delivery 	<i>If authorized to perform the function by the National Minister for Provincial and Local Government, then</i>

<p>and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which by implication includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> • Determine if there is existing legislation and its current applicability and constitutionality; • Determine the need for a review of such legislation or the drafting of new legislation • Build the capacity of municipalities to perform this function • Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function • Adjust the performance of the function to the district municipality if there is a lack of capacity and if the MDB so recommends • Ensure that the performance of this function is addressed in the municipality's IDP <p>As health is a concurrent national and provincial competence, provinces must investigate whether this function can most effectively be administered locally and whether a municipality has the capacity to administer it. If so, the function must be assigned to the municipality by agreement and subject to any conditions as provided for in section 156(4) of the Constitution.</p> <p>If the split between the provincial and local competencies in respect of this function is to be maintained, a clear delineation of responsibilities is required.</p>	<p>mechanism for the performance of the function (internal or external)</p> <ul style="list-style-type: none"> • If performed internally, develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Perform this function in the DMA area as per the responsibilities listed for the local municipalities contained in the table. • Ensure coordination with water and sanitation services 	<ul style="list-style-type: none"> • Must exercise any power concerning, or incidental to, the effective performance of these functions. • Determine a service delivery mechanism for the performance of the function (internal or external) • If performed internally, develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Monitoring of the operation of the facilities for adherence to standards and registration requirements • Ensure coordination with related functions such as water and sanitation services, housing and refuse removal *
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* The interface with related (water and sanitation) services is a matter that should be addressed especially where environmental health services remains with a district municipality, but related (water and sanitation) services are the responsibility of a local municipality.

Minimum Level of Service - Municipal health services

This section is excluded until there is further clarity on the definition for municipal health services.

FUNCTIONS: MUNICIPAL PUBLIC TRANSPORT (Shared Function)

Definition – Municipal public transport

Municipal public transport means:

In relation to the local municipality:

The regulation and control, and where applicable, the provision of:

- *Services for the carriage of passengers, whether scheduled or unscheduled, operated on demand along a specific route or routes or, where applicable, within a particular area*
- *Scheduled services for the carriage of passengers, owned and operated by the municipality, on specific routes*

In relation to the district means:

The regulation of passenger transport services.

Function ranking:

Municipal public transport	Coastal: 2	Inland: 2
Municipal public transport	Predominately urban: 2	Predominately rural: 2

Roles and Responsibilities – Municipal public transport

National Responsibility:

- In terms of Section 44.(a)(ii) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 4. National government must therefore, with regards to municipal public transport:
 - Determine if there is existing legislation and its current applicability and constitutionality;
 - Determine the need for a review of such legislation or the drafting of new legislation, and
 - Pass appropriate legislation.
- In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
<p>In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which, by implication, includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> • Determine if there is existing legislation and its current applicability and constitutionality; • Determine the need for a review of such legislation or the drafting of new legislation • Build the capacity of municipalities to perform this function • Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function • Adjust the performance of the function to a district municipality if there is a lack of capacity and if the MDB so recommends • Ensure that the performance of this function is addressed in the municipality's IDP 	<ul style="list-style-type: none"> • Must exercise any power concerning the regulation of passenger transport services for the district as a whole. • Develop a transport strategy and plan for the district • Determine a service delivery mechanism for the performance of the function (internal or external) • If performed internally, develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Build the capacity of the local municipalities in its area to perform all the functions, excluding the regulatory function, where capacity is lacking • Perform this function in the DMA area as per the responsibilities listed for the local municipalities contained in the table. • If authorized by the MEC or legislation is enacted to redefine this function • Regulation of passenger transport within district • Control of public transport that extends over the boundaries of two or more local municipalities within its service area 	<ul style="list-style-type: none"> • Must exercise any power concerning, or incidental to, the effective performance of this function excluding the regulatory function. • Determine a service delivery mechanism for the performance of the function (internal or external) • If performed internally, develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Control of public transport within the service area of a local municipality • Provision and control of a public transport service owned by the local municipality • Perform the regulatory function for the district if authorized by the MEC • Ensure coordination with related functions such as local economic development, local tourism and local amenities.

Minimum Level of Service - Municipal public transport

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p><i>District Municipality:</i></p> <p>The municipality should:</p> <ul style="list-style-type: none"> • Regulate passenger transport within the district 	<p><i>District Municipality:</i></p> <p>A department or sub department should exist with:</p> <ul style="list-style-type: none"> • At least one qualified 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • The function is performed internally or externally • The performance of the function is included in the

<ul style="list-style-type: none"> • Monitor and enforce the passenger transport regulations • Prepare the integrated transport plan for the district which is linked to the IDP. <p>NOTE: The regulation of passenger transport services can not be rendered by an external service provider.</p> <p><i>Local Municipality:</i></p> <ul style="list-style-type: none"> • Monitor and control passenger transport within its area of jurisdiction <p>NOTE: A municipality is not obliged to own or operate a public transport service such as a bus service. However, if it does, then it must do so in compliance with the National Land Transport Transition Act of 2000.</p> <p>If performed externally:</p> <ul style="list-style-type: none"> • Perform the authority role linked to the public transport service such as a bus service • Undertake a section 78 investigation • Prepare a service level agreement which includes performance criteria • Perform the function if the contractor fails to perform or terminates the contract 	<p>transport engineer or person with related experience</p> <ul style="list-style-type: none"> • Equipment and infrastructure necessary for preparing and regulating the passenger transport function such as computers • Budget allocation for the public transport function in the operating budget estimates <p><i>Local municipality:</i></p> <p>If performed internally:</p> <ul style="list-style-type: none"> • At least one qualified transport engineer or person with related experience • Equipment, such as computers, and infrastructure necessary for monitoring and controlling municipal public transport services • Budget allocation for the public transport function in the operating budget estimates <p>If a municipality operates a public transport service, it should have;</p> <ul style="list-style-type: none"> • Sufficient qualified staff to render the public transport service within the area served in accordance with the safety regulations as required in National and Provincial legislation • Sufficient funding on both the operating and capital budget to ensure the management and maintenance of the fleet to the standards required in national or provincial legislation. • Sufficient equipment and infrastructure to render the service safely. <p>If performed externally:</p> <ul style="list-style-type: none"> • Contract manager with specialist knowledge to prepare and monitor the service level agreement • Legal department to ensure legal compliance • Finance controls to ensure payment is against performance 	<p>municipality's IDP</p> <p>If internally determine whether:</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality's organogram • It has sufficient staff to perform the function for the whole municipal area • It has a budget allocation for the public transport function in the operating estimates and if applicable, the capital estimates • It has equipment and infrastructure for monitoring passenger transport and other related aspects to the function. <p>Only applicable to a local municipality - If externally then:</p> <ul style="list-style-type: none"> • A service level agreement is in place with the external service provider • Mechanisms are in place to ensure contract performance • If relevant, an estimate in the operating budget for financing the function
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FUNCTIONS: PONTOONS, FERRIES, JETTIES, PIERS AND HARBOURS (Local Function)

Definition – Pontoons, ferries, jetties, piers and harbours

Pontoons, ferries, jetties, piers and harbours means:

Pontoons, ferries, jetties, piers and harbours, excluding the regulation of international and national shipping and matter related thereto, and matters falling within the competence of national and provincial governments

Function ranking:

Pontoons, ferries, jetties, piers and harbours,	Coastal - 2	Inland - 2
Pontoons, ferries, jetties, piers and harbours,	Predominately urban: 2	Predominately rural: 2

Roles and Responsibilities – Pontoons, ferries, jetties, piers and harbours

National Responsibility:

- In terms of Section 44.(a)(ii) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 4. National government must therefore, with regards to pontoons, ferries, jetties, piers and harbours:
 - Determine if there is existing legislation and its current applicability and constitutionality;
 - Determine the need for a review of such legislation or the drafting of new legislation, and
 - Pass appropriate legislation.

- In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which by implication includes the enactment of legislation on municipal functions. A provincial government must	<ul style="list-style-type: none"> • To build the capacity of the local municipalities in its area to perform this function where capacity is lacking • Perform this function in the DMA area as per the responsibilities listed for the local municipalities contained in the table • If authorized by the MEC or legislation is enacted to 	<ul style="list-style-type: none"> • Must exercise any power concerning or incidental to the effective performance of this function. • Determine a service delivery mechanism for the performance of the function (internal or external) • If performed internally, develop or maintain the capacity to perform the

<p>therefore:</p> <ul style="list-style-type: none"> • Determine if there is existing legislation and its current applicability and constitutionality; • Determine the need for a review of such legislation or the drafting of new legislation • Build the capacity of municipalities to perform this function • Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function • Adjust the performance of the function to the district municipality if there is a lack of capacity and if the MDB so recommends • Ensure that the performance of this function is addressed in the municipality's IDP 	<p>perform this function in the area of the local municipality</p>	<p>function</p> <ul style="list-style-type: none"> • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Operation, management and maintenance of pontoons, ferries, jetties, piers and harbours, excluding the regulation of international and national shipping and matters related thereto • Ensure coordination with related functions such as local economic development, municipal public transport and local tourism
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Minimum Level of Service – Pontoons, ferries, jetties, piers and harbours

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>If applicable to the area, the municipality should have the ability to:</p> <ul style="list-style-type: none"> • Establish standards and regulations for pontoons, ferries, jetties, piers and harbours which are compliant with national and provincial legislation for its area of jurisdiction • Monitor compliance with the regulations/by laws • Enforce air quality regulations. 	<p>If performed internally then:</p> <p>The municipality should have a sub section with:</p> <ul style="list-style-type: none"> • At least person to oversee the requirements of the function • Equipment and infrastructure necessary for checking compliance with the by laws. • Budget allocation in the operating budget estimates 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • Municipality is performing the function <p>If internally, determine whether:</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality's organogram • It has sufficient staff to perform the function for the whole municipal area • It has a budget allocation for the pontoons, ferries, jetties, piers and harbours function in the operating estimates • It has equipment and infrastructure for monitoring the pontoons, ferries, jetties, piers and harbours function <p>If externally then:</p> <ul style="list-style-type: none"> • A service level agreement is in place with the external service provider • Mechanisms are in place to ensure contract performance • If relevant, an estimate in the operating budget for financing the function

FUNCTIONS: STORMWATER MANAGEMENT SYSTEMS IN BUILT-UP AREAS (Local Function)

Definition – Storm water management systems in built-up areas

Storm water management systems in built-up areas means:

The management of systems to deal with storm water in built-up areas.

Function ranking:

Storm water management systems in built-up areas	Coastal: 1	Inland: 1
Storm water management systems in built-up areas	Predominately urban: 1	Predominately rural: 1

Roles and Responsibilities – Storm water management systems in built-up areas

National Responsibility:

- In terms of Section 44.(a)(ii) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 4, but excluding, subject to subsection(2), a matter within a functional area listed in Schedule 5.

National government must therefore, with regards to stormwater management in built-up areas:

- Determine if there is existing legislation and its current applicability and constitutionality;
- Determine the need for a review of such legislation or the drafting of new legislation, and
- Pass appropriate legislation.
- In terms of the National Water Act (36 of 1998) the role of DWAF
- In terms of the Water Services Act (108 of 1997)
 - The Minister can promulgate under section (9) and (73) of the Water Services Act regulations relating to compulsory standards and measures to conserve water. These regulations were duly published in 2001 and specifies that only uncontaminated stormwater may enter any storm water drain.
- In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within	<ul style="list-style-type: none"> • To perform this function as far as it relates to the district function “municipal roads” • To build the capacity of the 	<ul style="list-style-type: none"> • To perform this function as far as it relates to streets within a local municipality and roads falling within the

<p>the functional areas listed in schedules 4 and 5 which by implication includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> • Determine if there is existing legislation and its current applicability and constitutionality; • Determine the need for a review of such legislation or the drafting of new legislation • Build the capacity of municipalities to perform this function • Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function • Adjust the performance of the function to the district municipality if there is a lack of capacity and if the MDB so recommends • Ensure that the performance of this function is addressed in the municipality's IDP 	<p>local municipalities in its area to perform this function where capacity is lacking</p> <ul style="list-style-type: none"> • Perform this function in the DMA area as per the responsibilities listed for the local municipalities contained in the table • If authorized by the MEC or legislation is enacted to perform the function in the area of a local municipality. 	<p>ambit of the responsibilities of the local municipality</p> <ul style="list-style-type: none"> • Must exercise any power concerning, or incidental to, the effective performance of this function. • Determine a service delivery mechanism for the performance of the function (internal or external) • If performed internally, develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Ensure coordination with related functions such as municipal roads and cleansing. •
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Minimum Level of Service – Storm water management systems in built-up areas

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>A municipality must have the ability to ensure:</p> <ul style="list-style-type: none"> • A service delivery mechanism that safely routes and discharges storm water to protect the public and property from flood hazards. • The level of storm water management should be based on the road classification and or requirements indicated in national or provincial legislation • Management and maintenance of storm water systems <p>If performed externally:</p> <ul style="list-style-type: none"> • The municipality must perform the authority role linked to the Stormwater 	<p>If performed internally, the municipality should have a section or sub section (often linked to the roads function) with:</p> <ul style="list-style-type: none"> • At least one qualified engineer in a management position – can be a shared responsibility with the municipal roads function • Equipment and infrastructure necessary for the management and maintenance of the storm water systems • Budget allocation in the operating budget estimates • If necessary, an allocation in the capital budget for the upgrading and the extension of the storm water system. <p>If performed externally:</p> <ul style="list-style-type: none"> • Contracts manager to 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • Municipality is performing the function <p>If internally determine whether:</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality's organogram • It has sufficient staff to perform the function for the whole municipal area • It has a budget allocation for the storm water management system in the operating estimates • It has equipment and infrastructure for the management of storm water within built up areas. <p>If externally then:</p> <ul style="list-style-type: none"> • A service level agreement is in place with the external service provider • Mechanisms are in place to

<ul style="list-style-type: none"> management function The municipality must have the ability to undertake a section 78 investigation Prepare a service level agreement which includes performance criteria Ability to perform the function if the contractor fails to perform or terminates the contract 	<ul style="list-style-type: none"> prepare and monitor the service level agreement Legal department for ensuring legal compliance Finance controls to ensure payment is against performance 	<ul style="list-style-type: none"> ensure contract performance If relevant, an estimate in the operating budget for financing the function
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FUNCTIONS: TRADING REGULATIONS (Local Function)

Definition – Trading regulations

Trading regulations means

The regulation of any area facility and/or activity related to the trading of goods and services within the municipal area not already being regulated by national and provincial legislation

Function ranking:

Trading regulations	Coastal - 2	Inland - 2
Trading regulations	Predominately urban: 2	Predominately rural: 3

Roles and Responsibilities – Trading regulations

National Responsibility:

- In terms of Section 44.(a)(ii) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 4. National government must therefore, with regards to trading regulations:
 - Determine if there is existing legislation and its current applicability and constitutionality;
 - Determine the need for a review of such legislation or the drafting of new legislation, and
 - Pass appropriate legislation.
- In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in	<ul style="list-style-type: none"> To build the capacity of the local municipalities in its area to perform this function where capacity is lacking Perform this function in the 	<ul style="list-style-type: none"> Must exercise any power concerning, or incidental, to the effective performance of this function. Determine a service delivery

<p>schedules 4 and 5 which, by implication, includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore: Determine if there is existing legislation and its current applicability and constitutionality;</p> <ul style="list-style-type: none"> • Determine the need for a review of such legislation or the drafting of new legislation • Build the capacity of municipalities to perform this function • Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function • Adjust the performance of the function to the district municipality if there is a lack of capacity and if the MDB so recommends • Ensure that the performance of this function is addressed in the municipality's IDP 	<p>DMA area as per the responsibilities listed for the local municipalities contained in the table</p> <ul style="list-style-type: none"> • If authorized by the MEC or legislation is enacted to provide for a district role in this regard 	<p>mechanism for the performance of the function (internal or external)</p> <ul style="list-style-type: none"> • If performed internally, develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • Make and administer bylaws in terms of section 156(2) of the Constitution to regulate trading in the municipal area • Ensure coordination with related functions local economic development, and local tourism
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Minimum Level of Service – Trading regulations

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>If performed internally:</p> <p>The municipality should have the ability to:</p> <ul style="list-style-type: none"> • Regulate any area, facility and/or activity related to the trading of goods and services within the municipal area not already being regulated by national and provincial legislation. • Monitor and enforce the trading regulations <p>NOTE: The preparation of the regulations cannot be undertaken by an external service provider via a service level agreement. However the monitoring and enforcement can.</p> <p>If performed externally:</p> <ul style="list-style-type: none"> • Perform the authority role linked to the trading regulations function. • Ability to undertake a section 	<p>If performed internally, a sub section should have:</p> <ul style="list-style-type: none"> • At least have access to a legal advisor and an administrative staff member familiar with the requirements of the regulations. • Enforcement officer, Equipment and infrastructure necessary for the preparation and enforcement of the regulations • Budget allocation in the operating budget estimates <p>If performed externally:</p> <ul style="list-style-type: none"> • Contracts manager to prepare and monitor the service level agreement • Legal resource to ensure legal compliance • Finance controls to ensure payment is against performance 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • The function is performed internally by the municipality or externally • The performance of the function is in the municipality's IDP <p>If internally, determine whether:</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality's organogram • It has sufficient staff to perform the function for the whole municipal area • It has a budget allocation for the trading regulations function in the operating estimates • It has equipment and infrastructure for monitoring air quality control and other related aspects to the function. <p>If externally, determine whether :</p> <ul style="list-style-type: none"> • A service level agreement is

<p>78 investigation</p> <ul style="list-style-type: none"> • Prepare a service level agreement which includes performance criteria • Ability to perform the function if the contractor fails to perform or terminates the contract 		<p>in place with the external service provider</p> <ul style="list-style-type: none"> • Mechanisms are in place to ensure contract performance • If relevant, an estimate in the operating budget for financing the function
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FUNCTIONS: WATER AND SANITATION SERVICES (District Function)

Definition – Water and sanitation services

“Potable water supply systems” means:

The establishment or procurement, where appropriate, operation, management and regulation of a potable water supply system, including the services and infrastructure required for the regulation of water conservation, purification, reticulation and distribution; bulk supply to local supply points, metering, tariffs setting and debt collection; and provision of appropriate education so as to ensure reliable supply of a sufficient quantity and quality of water and effective water use amongst end-users, including informal households, to support life and personal hygiene.

“Domestic waste-water and sewage disposal systems” means

The establishment or procurement, where appropriate,, provision, operation, management, maintenance and regulation of a system, including infrastructure, for the collection, removal, disposal and/or purification of human excreta and domestic waste-water to ensure minimum standard of services necessary for safe and hygienic households

Function ranking:

Water and sanitation services	Coastal: 1	Inland: 1
Water and sanitation services	Predominately Urban: 1	Predominately Rural: 1

Roles and Responsibilities – Water and sanitation services

National Responsibility:

- In terms of Section 44.(a)(ii) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 4, but excluding, subject to subsection(2), a matter within a functional area listed in Schedule 5.

National government must therefore, with regards to water and sanitation:

- Determine if there is existing legislation and its current applicability and constitutionality;
- Determine the need for a review of such legislation or the drafting of new legislation, and

- Pass appropriate legislation.
- In terms of the National Water Act (36 of 1998)
 - Section 26(1) the Minister may make regulations limiting or restricting the purpose, manner or extent of water use; requiring that the use of water from a water resource be monitored, measured and recorded; regulating or prohibiting any activity in order to protect a water resources or instream or riparian habitat.
 - Section 63(2) states that the Minister may not delegate the responsibility to make a regulation.
 - Other role/s of DWAF
- In terms of the Water Services Act (108 of 1997)
 - The Minister can promulgate under section (9) and (73) of the Water Services Act regulations relating to the provision of water services. Regulations relating to compulsory standards and measures to conserve water were duly published by the Department of Water Affairs and Forestry in 2001.
 - Other role/s of DWAF
- In terms of Section 84 (3) of the Municipal Structures Act (117 of 1998) the Minister of Provincial and Local Government, in consultation with the Minister of Water Affairs and the MEC for local government in the province, can adjust the performance of the function to the local municipality if there is a lack of capacity in the district.

Provincial Responsibility	District Responsibility	Local Responsibility
<p>In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which, by implication, includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> ● Determine if there is existing legislation and its current applicability and constitutionality; ● Determine the need for a review of such legislation or the drafting of new legislation ● Build the capacity of municipalities to perform this function ● Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function ● Interact with DWAF in respect of the above bullets 	<ul style="list-style-type: none"> ● Must exercise any power concerning, or incidental, to the effective performance of these functions. ● Determine a service delivery mechanism for the performance of the function (internal or external) ● If performed internally, develop or maintain the capacity to perform the function ● Make provision for the function in the IDP ● Make provision for this function in the operating budget ● Include indicators in the performance management system ● May make and administer bylaws in terms of section 156(2) of the Constitution ● Perform this function in the DMA area as per the responsibilities listed for the local municipalities contained in the table ● Monitoring of the operation of the facilities for adherence to standards and registration 	<p><i>If authorized to perform the function by the National Minister for Provincial and Local Government, then</i></p> <ul style="list-style-type: none"> ● Must exercise any power concerning, or incidental to, the effective performance of these functions. ● Determine a service delivery mechanism for the performance of the function (internal or external) ● If performed internally, develop or maintain the capacity to perform the function ● Make provision for the function in the IDP ● Make provision for this function in the operating budget ● Include indicators in the performance management system ● May make and administer bylaws in terms of section 156(2) of the Constitution ● Monitoring of the operation

<ul style="list-style-type: none"> Ensure that the performance of this function is addressed in the municipality's IDP and WSDP (Water Services Development Plan) 	<p>requirements.</p> <ul style="list-style-type: none"> Legislative compliance 	<p>of the facilities for adherence to standards and registration requirements</p> <ul style="list-style-type: none"> Legislative compliance Ensure coordination with related services such as municipal health services, housing, refuse removal, etc.
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Minimum Level of Service – Water and sanitation services

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>If performed internally:</p> <p>The municipality should have the ability to provide:</p> <ul style="list-style-type: none"> Appropriate education in respect of good water and sanitation use, hygiene and related practices; A minimum quantity of potable water of 25 litres per person per day, or 6 kilolitres per household per month: <ul style="list-style-type: none"> At a minimum flow rate of not less than 10 litres per minute; Within 200 metres of a household; and With effectiveness such that no consumer is without a supply for more than seven full days in any year. Based on the financial feasibility in line with the Municipal Systems Act the municipality can make provision in its budget to provide free services where affordable. Access to all households of a minimum standard toilet that is safe, reliable, environmentally sound, easy to keep clean, provides privacy and protection against the weather, well ventilated, keeps smells to a minimum and prevents the entry and exit of flies and other disease-carrying pests. 	<p>If performed internally then should have:</p> <p>A water and sanitation department which could be a sub section of the technical services department/ cluster with:</p> <ul style="list-style-type: none"> At least one qualified water and sanitation engineer in a management position Middle management and general workers for maintenance purposes Equipment and infrastructure necessary for the function Budget allocation operating estimates for both income and expenditure Capital budget allocation for addressing backlogs (if applicable) Planning ability in terms of funding and human resources to extend service to whole area of the municipality Ability to undertake community outreach programmes and the management of a customer-care centre Adequate care and maintenance plan for the free basic service Mechanisms for the provision of health and hygiene education to communities <p>If performed externally:</p> <ul style="list-style-type: none"> Contracts manager with 	<p>MDB will assess if the function:</p> <ul style="list-style-type: none"> The function performed internally by the municipality or externally The performance of the function is in the municipality's IDP <p>If internally, determine whether:</p> <ul style="list-style-type: none"> Post/s are identified in the municipality's organogram It has sufficient staff to perform the function for the whole municipal area There are operating budget estimates for income and expenditure of the current financial year The actual income and expenditure for the previous financial year is available The municipality has equipment and infrastructure for performing the water and sanitation function and related aspects <p>If externally then:</p> <ul style="list-style-type: none"> A service delivery agreement is in place with the external service provider Mechanisms are in place to ensure contract performance The agreement complies with national legislation (Water Services Act, Municipal Systems Act, Municipal Finance Management Bill)

<ul style="list-style-type: none"> • Water Services Development Planning abilities in terms of human and financial resources. • Set the water and sanitation tariffs • Draft and implement a credit control policy and debt collection policy that also considers indigents • Address the service backlogs within the area of registration • Promulgate water and sanitation bylaws <p>NOTE: The Water Services Authority responsibilities for the rendering of the water and sanitation service MAY NOT be performed by an external service provider.</p> <p>If the Water Service Provider (WSP) function is performed externally the municipality must at least:</p> <ul style="list-style-type: none"> • Perform the authority role linked to the water and sanitation functions • Ability to undertake a section 78 investigation • Prepare a service level agreement which includes performance criteria • Ability to perform the function if the contractor fails to perform or terminates the contract 	<p>technical knowledge to prepare and monitor the service delivery agreement</p> <ul style="list-style-type: none"> • Legal department to ensure legal compliance • Financial management to facilitate the setting of tariffs. 	
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SCHEDULE 5 PART B

FUNCTION: BEACHES AND AMUSEMENT FACILITIES (Local Function)

Definition – Beaches and amusement facilities

Beaches means the area for recreational opportunities and facilities along the sea shore available for public use and any other aspect in this regard which falls outside the competence of the national and provincial government.

Amusement facilities means a public place for entertainment.

Function ranking:

Beaches and amusement facilities	Coastal: 2	Inland: 3
Beaches and amusement facilities	Predominately Urban: 2	Predominately Rural: 3

Roles and Responsibilities – Beaches and amusement facilities

National Responsibility:

In terms of Section 44(2) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 5 when it is necessary for

- national security,
- economic unity,
- establishing essential national standards,
- instituting minimum standards in respect of service delivery, and
- preventing unreasonable action taken by a province which prejudices another province or the country as a whole.

National government must therefore with regards to beaches and amusement facilities, subject to subsection (2):

- Determine if there is existing legislation and its current applicability and constitutionality;
 - Determine the need for a review of such legislation or the drafting of new legislation.
 - Pass the appropriate legislation
- In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
<p>In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which by implication includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> ● Determine if there is existing legislation and its current applicability and constitutionality; ● Determine the need for a review of such legislation or the drafting of new legislation ● Build the capacity of municipalities to perform this function ● Monitor the performance of the municipality in exercising 	<ul style="list-style-type: none"> ● To build the capacity of the local municipalities in its area to perform this function where capacity is lacking ● Perform this function in the DMA area as per the responsibilities listed for the local municipalities contained in the table ● If authorized by the MEC or legislation is enacted to redefine this function 	<ul style="list-style-type: none"> ● Must exercise any power concerning, or incidental to, the effective performance of this function. ● Determine a service delivery mechanism for the performance of the function (internal or external) ● If performed internally, develop or maintain the capacity to perform the function ● Make provision for the function in the IDP ● Make provision for this function in the operating budget ● Include indicators in the performance management system ● May make and administer bylaws in terms of section 156(2) of the Constitution ● Provide and maintain beach

<p>its executive and legislative authority pertaining to this function</p> <ul style="list-style-type: none"> • Adjust the performance of the function to a district municipality if there is a lack of capacity and if the MDB so recommends • Ensure that the performance of this function is addressed in the municipality's IDP, where applicable 		<p>and amusement facilities if applicable to the municipal area</p> <ul style="list-style-type: none"> • Ensure the maintenance and enforcement of the environmental health standards • Crowd control and other public safety aspects not covered by national or provincial competences • Ensure coordination with related functions such as local economic development and local tourism.
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Minimum Level of Service – Beaches and amusement facilities

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p><i>Function is not required in all municipal areas – beaches are location specific and the amusement facilities should be performed in areas where such facilities exist and or are to be provided in terms of the municipality's IDP.</i></p> <p><i>However if the function is performed then:</i></p> <p>Beaches</p> <p>If performed internally:</p> <p>The municipality should have the ability to:</p> <ul style="list-style-type: none"> • Prepare guidelines and by laws for the maintenance, enforcement of the environmental health standards and crowd control at beaches. <p>Amusement facilities</p> <p>If performed internally:</p> <p>The municipality should have the ability to:</p> <ul style="list-style-type: none"> • Prepare guidelines and by laws for the maintenance, enforcement of the environmental health standards, safety of bathers and crowd control at amusement facilities. <p>NOTE: The authority function</p>	<p>If performed internally then a department or sub department should have:</p> <ul style="list-style-type: none"> • At least one staff member qualified to manage the service • Equipment and infrastructure necessary for rendering the function for beaches and amusement facilities • Budget allocation in the operating budget estimates <p>If performed externally:</p> <ul style="list-style-type: none"> • Contracts manager to prepare and monitor the service level agreement • Legal department to ensure legal compliance • Finance controls to ensure payment is against performance 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • The function is performed internally or externally • The performance of the function is in the municipality's IDP <p>If internally, determine whether:</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality's organogram • It has sufficient staff to perform the function for the whole municipal area • It has a budget allocation for the beaches and amusements facilities in the operating estimates • It has equipment and infrastructure necessary for rendering the function <p>If externally then:</p> <ul style="list-style-type: none"> • A service level agreement is in place with the external service provider • Mechanisms are in place to ensure contract performance • If relevant, an estimate is in the operating budget for financing the function

<p>linked to the beaches and amusements function cannot be part of a service level agreement.</p> <p>If performed externally:</p> <ul style="list-style-type: none"> • The municipality must perform the authority role linked to the function • Undertake a section 78 investigation if required in terms of section 77 of the Municipal Systems Act • Prepare a service level agreement which includes performance criteria • Perform the function if the contractor fails to perform or terminates the contract 		
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FUNCTION: BILLBOARDS AND THE DISPLAY OF ADVERTISEMENTS IN PUBLIC PLACES (Local Function)

Definition – Billboards and the display of advertisements in public places

Billboards and the display of advertisements in public places means:

The display of written or visual descriptive material, any sign or symbol or light that is not intended solely for illumination or as a warning against danger which:

- *promotes the sale and / or encourages the use of goods and services found in:*
 - *streets*
 - *roads*
 - *throughfares*
 - *sanitary passages*
 - *squares or open spaces and or*
 - *private property*

The above definition excludes any aspect that may be covered by provincial or national legislation.

Function ranking:

Billboards and the display of advertisements in public places	Coastal - 3	Inland - 3
Billboards and the display of advertisements in public places	Predominately urban - 3	Predominately rural - 3

Roles and Responsibilities – Billboards and the display of advertisements in public places

National Responsibility:

In terms of Section 44(2) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 5 when it is necessary for

- national security,
- economic unity,
- establishing essential national standards,
- instituting minimum standards in respect of service delivery, and
- preventing unreasonable action taken by a province which prejudices another province or the country as a whole.

National government must therefore with regards to matters billboards and the display of advertisements in public places, subject to subsection (2):

- Determine if there is existing legislation and its current applicability and constitutionality;
 - Determine the need for a review of such legislation or the drafting of new legislation.
 - Pass the appropriate legislation
- In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
<p>In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which, by implication, includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> ● Determine if there is existing legislation and its current applicability and constitutionality; ● Determine the need for a review of such legislation or the drafting of new legislation ● Build the capacity of municipalities to perform this function ● Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function ● Adjust the performance of the function to the district municipality if there is a lack of capacity and if the MDB so recommends ● Ensure that the performance of this function 	<ul style="list-style-type: none"> ● To build the capacity of the local municipalities in its area to perform this function where capacity is lacking ● Perform this function in the DMA area as per the responsibilities listed for the local municipalities contained in the table ● If authorized by the MEC or legislation is enacted to redefine this function 	<ul style="list-style-type: none"> ● Must exercise any power concerning, or incidental to, the effective performance of this function. ● Determine a service delivery mechanism for the performance of the function (internal or external) ● If performed internally, develop or maintain the capacity to perform the function ● Make provision for the function in the IDP ● Make provision for this function in the operating budget ● Include indicators in the performance management system ● May make and administer bylaws in terms of section 156(2) of the Constitution for the effective control and management of billboards and the display of advertisements in public places ● To enforce the applicable bylaws ● To manage and ensure the removal of any illegal billboards and advertisements ● Ensure compliance with

is addressed in the municipality's IDP		national and provincial legislation re the prevention of advertising for cigarette products <ul style="list-style-type: none"> • Ensure coordination with related functions such as municipal roads and building regulations
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Minimum Level of Service – Billboards and the display of advertisements in public places

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>The municipality should have the ability to:</p> <ul style="list-style-type: none"> • To regulate the use of billboards and the display of advertisements in public places – this is especially relevant in urban areas for ensuring aspects of road safety • Monitor and enforce the regulations 	<p>There should be a sub section with:</p> <ul style="list-style-type: none"> • At least planning assistant and administrator familiar with the regulations pertaining to the function • A least one enforcement officer • Equipment, such as a computer, and infrastructure necessary for preparing regulations and managing billboards and the display of advertisements in public places • Budget allocation in the operating budget estimates for at least the enforcement of the regulations 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • Municipality is performing the function • The function is in the municipality's IDP • Post/s are identified in the municipality's organogram • It has sufficient staff to perform the function for the whole municipal area • It has a budget allocation for the billboards function in the operating estimates • It has equipment and infrastructure for rendering the billboards function

FUNCTION: CEMETERIES, FUNERAL PARLOURS AND CREMATORIA (Shared function)

Definition – Cemeteries, funeral parlours and crematoria

Cemeteries, funeral parlours and crematoria means:

The establishment, conduct and control of facilities for the purpose of disposing of human and animal remains.

In addition, in relation to the district municipality, it means:

The establishment, conduct and control of cemeteries and crematoria serving the area of a major proportion of municipalities in the district.

And in relation to the local municipality, it means:

The establishment, conduct and control of cemeteries and crematoria serving the area of the local municipality only.

Function ranking:

Cemeteries, funeral parlours and crematoria	Coastal: 1	Inland: 1
Cemeteries, funeral parlours and crematoria	Predominately urban: 1	Predominately rural: 1

Roles and Responsibilities – Cemeteries, funeral parlours and crematoria

National Responsibility:

In terms of Section 44(2) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 5 when it is necessary for

- national security,
- economic unity,
- establishing essential national standards,
- instituting minimum standards in respect of service delivery, and
- preventing unreasonable action taken by a province which prejudices another province or the country as a whole.

National government must therefore with regards to cemeteries, funeral parlours and crematoria, subject to subsection (2):

- Determine if there is existing legislation and its current applicability and constitutionality;
- Determine the need for a review of such legislation or the drafting of new legislation.
- Pass the appropriate legislation

In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
<p>In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which, by implication, includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> • Determine if there is existing legislation and its current applicability and constitutionality • Determine the need for a review of such legislation or 	<ul style="list-style-type: none"> • Must exercise any power concerning, or incidental to, the effective performance of this function in as far as the district performs the function in a major portion of municipalities in the district. • Must develop an overall strategy and plan for the district as a whole to perform these function, taking into account geological formations, ground water conditions and any other factor relevant to the environment, and health issues • Determine a service delivery mechanism for the performance of the function (internal or 	<ul style="list-style-type: none"> • Must exercise any power concerning, or incidental to, the effective performance of this function in the area of the local municipality. • Determine a service delivery mechanism for the performance of the function (internal or external) • If performed internally, develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this function in the operating budget

<p>the drafting of new legislation</p> <ul style="list-style-type: none"> • Build the capacity of municipalities to perform this function • Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function • Adjust the performance of the function to a local municipality if there is a lack of capacity and if the MDB so recommends, and vice versa • Ensure that the performance of this function is addressed in the municipality's IDP 	<p>external)</p> <ul style="list-style-type: none"> • If performed internally, develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • To build the capacity of the local municipalities in its area to perform the local function where capacity is lacking • Perform this function in the DMA area as per the responsibilities listed for the local municipalities contained in the table • If authorized by the MEC or legislation is enacted to redefine this function. 	<ul style="list-style-type: none"> • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Perform the function for the district if authorized by the MEC. • Ensure coordination with related functions such as traffic and parking
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Minimum Level of Service – Cemeteries, funeral parlours and crematoria

Minimum Level of Service	Municipal Requirement	MDB Capacity Assessment
<p><i>District municipality</i> - if performed internally the municipality should have the ability to:</p> <ul style="list-style-type: none"> • Prepare a strategic plan for the establishment and regulation of cemeteries and crematoria for the district as a whole. • If required in terms of the strategic plan, establish and operate district cemeteries and crematoria <p><i>District municipality</i> - if performed externally:</p> <ul style="list-style-type: none"> • Perform the authority role linked to the cemeteries function • Prepare a service level agreement which includes performance criteria • Ability to perform the function if the contractor fails to perform or terminates the contract <p><i>Local municipality</i> - if performed internally the municipality should have the ability to:</p>	<p><i>District municipality</i></p> <p>If performed internally then the municipality should have a sub section with:</p> <ul style="list-style-type: none"> • At least one staff member preferably trained in engineering to prepare a strategic plan for the district and where required establish district cemeteries and crematoria. This should be linked to the spatial development plan • At least one environmental health officer to conduct and control of cemeteries and crematoria • Both people mentioned above could have other responsibilities within the municipality – i.e. does not need to be a full time or sole function • General workers for the maintenance of the district cemeteries • Equipment and infrastructure necessary for establishing, conducting and 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • The function is performed internally or externally • The performance of the function is in the municipality's IDP <p><i>District and Local Municipality</i></p> <p>If internally, determine whether:</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality's organogram • It has sufficient staff to perform the function for the district or local municipality • It has a budget allocation for the cemeteries and crematoria function in the operating estimates • It has equipment and infrastructure for performing the district or local cemeteries and crematoria function <p>If externally then:</p> <ul style="list-style-type: none"> • A service level agreement is in place with the external service provider • Mechanisms are in place to

<ul style="list-style-type: none"> Establish, conduct and control of cemeteries, funeral parlours and crematoria serving the area of the local municipality. Prepare regulations/ by laws for the management and maintenance of local cemeteries, funeral parlours and crematoria. <p><i>Local municipality</i> - if performed externally:</p> <ul style="list-style-type: none"> Perform the authority role linked to the cemeteries, funeral parlours and crematoria function at the local municipality level If required in terms of section 77 of the Municipal Systems Act, undertake a section 78 investigation Prepare a service level agreement which includes performance criteria Ability to perform the function if the contractor fails to perform or terminates the contract 	<p>controlling of district cemeteries and crematoria</p> <ul style="list-style-type: none"> Budget allocation for establishing, conducting and controlling of cemeteries in the operating estimates <p>If performed externally:</p> <ul style="list-style-type: none"> Contracts manager to prepare and monitor the service level agreement Legal department for ensuring legal compliance Finance controls to ensure payment for the service <p><i>Local Municipality</i></p> <p>If performed internally then the municipality should have a sub section with:</p> <ul style="list-style-type: none"> At least one staff member preferably trained in the operation and establishment of local cemeteries and crematoria. This should be linked to the spatial development plan. At least one environmental health officer to conduct and control of cemeteries and crematoria. Both people mentioned above could have other responsibilities within the municipality – i.e. does not need to be a full time or sole function. General workers for the maintenance of the cemeteries. Equipment and infrastructure necessary for establishing, conducting and controlling of cemeteries and crematoria. Budget allocation for establishing, conducting and controlling of cemeteries in the operating estimates <p>If performed externally:</p> <ul style="list-style-type: none"> Contracts manager to prepare and monitor the service level agreement Legal department for ensuring legal compliance Finance controls to ensure payment for the service 	<ul style="list-style-type: none"> ensure contract performance If relevant, an estimate in the operating budget for financing the function
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FUNCTION: CLEANSING (Local Function)**Definition – Cleansing**

“Cleansing” means:

The cleaning of public streets, roads and other public spaces either manually or mechanically.

Function ranking:

Cleansing	Coastal - 2	Inland - 2
Cleansing	Predominately urban - 2	Predominately rural - 2

Roles and Responsibilities – Cleansing**National Responsibility:**

In terms of Section 44(2) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 5 when it is necessary for

- national security,
- economic unity,
- establishing essential national standards,
- instituting minimum standards in respect of service delivery, and
- preventing unreasonable action taken by a province which prejudices another province or the country as a whole.

National government must therefore with regards to cleansing, subject to subsection (2):

- Determine if there is existing legislation and its current applicability and constitutionality;
- Determine the need for a review of such legislation or the drafting of new legislation.
- Pass the appropriate legislation

In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
<p>In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which, by implication, includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> • Determine if there is existing 	<ul style="list-style-type: none"> • To build the capacity of the local municipalities in its area to perform this function where capacity is lacking • Perform this function in the DMA area as per the responsibilities listed for the local municipalities contained in the table • If authorized by the MEC or legislation is enacted to redefine this function 	<ul style="list-style-type: none"> • Must exercise any power concerning, or incidental to, the effective performance of this function. • Determine a service delivery mechanism for the performance of the function (internal or external) • If performed internally, develop or maintain the capacity to perform the function • Make provision for the function in the IDP

<p>legislation and its current applicability and constitutionality</p> <ul style="list-style-type: none"> • Determine the need for a review of such legislation or the drafting of new legislation • Build the capacity of municipalities to perform this function • Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function • Adjust the performance of the function to the district municipality if there is a lack of capacity and if the MDB so recommends <p>Ensure that the performance of this function is addressed in the municipality's IDP</p>		<ul style="list-style-type: none"> • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Undertake the cleaning of streets and other public places • Develop policies and procedures for the prevention of littering, public urinating and defecating and the disposal of illegal and or toxic liquid or solid substances onto the streets of other public spaces • Removal of illegal posters and graffiti on bridges and walls which are public owned • Ensure coordination with related functions such as local economic development, local amenities and municipal public transport
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Minimum Level of Service – Cleansing

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>If performed internally:</p> <p>The municipality should have the ability to:</p> <ul style="list-style-type: none"> • Establish cleansing by laws for the municipality which are compliant with national and provincial legislation • A programme to ensure that streets and other public places are cleaned and to determine the regularity required • Policies to prevent illegal dumping, littering, urinating & defecating, illegal / toxic liquids / solid substances in streets or other public spaces • A strategy for the prevention and removal of illegal posters and graffiti from public bridges and walls • Undertake the cleaning of public streets, roads and other public spaces manually <p>If performed externally:</p> <ul style="list-style-type: none"> • Perform the authority role linked to the cleansing function 	<p>If performed internally then:</p> <p>A sub section should have:</p> <ul style="list-style-type: none"> • At least one foreman • Equipment and infrastructure necessary for cleansing • General workers for undertaking the cleansing function • Budget allocation in the operating budget estimates <p>If performed externally:</p> <ul style="list-style-type: none"> • Contracts manager to prepare and monitor the service level agreement • Legal department to ensure legal compliance • Finance controls to ensure payment is against performance 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • The function performed internally or externally • The performance of the function is included in the municipality's IDP <p>If internally, determine whether :</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality's organogram • It has sufficient staff to perform the function for the whole municipal area • It has a budget allocation for the cleansing function in the operating estimates • It has equipment and infrastructure for performing the cleansing function <p>If externally then:</p> <ul style="list-style-type: none"> • A service level agreement is in place with the external service provider • Mechanisms are in place to ensure contract performance • If relevant, an estimate in the operating budget for financing the function

<ul style="list-style-type: none"> • Undertake a section 78 investigation if required by section 77 of the Municipal Systems Act • Prepare a service level agreement which includes performance criteria • Perform the function if the contractor fails to perform or terminates the contract 		
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FUNCTION: CONTROL OF PUBLIC NUISANCES (Local Function)

Definition – Control of public nuisances

“Control of public nuisance” means:

The regulation, control and monitoring of any activity, condition or thing that may adversely affect a person or a community

Function ranking:

Control of public nuisances	Coastal - 2	Inland - 2
	Predominately urban - 2	Predominately rural - 3

Roles and Responsibilities – Control of public nuisances

National Responsibility:

In terms of Section 44(2) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 5 when it is necessary for

- national security,
- economic unity,
- establishing essential national standards,
- instituting minimum standards in respect of service delivery, and
- preventing unreasonable action taken by a province which prejudices another province or the country as a whole.

National government must therefore with regards to matters listed in Schedule 5, subject to subsection (2):

- Determine if there is existing legislation and its current applicability and constitutionality;
 - Determine the need for a review of such legislation or the drafting of new legislation.
 - Pass the appropriate legislation
- In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
<p>In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which, by implication, includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore: Determine if there is existing legislation and its current applicability and constitutionality</p> <ul style="list-style-type: none"> • Determine the need for a review of such legislation or the drafting of new legislation • Build the capacity of municipalities to perform this function • Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function • Adjust the performance of the function to the district municipality if there is a lack of capacity and if the MDB so recommends • Ensure that the performance of this function is addressed in the municipality's IDP 	<ul style="list-style-type: none"> • To build the capacity of the local municipalities in its area to perform this function where capacity is lacking • Perform this function in the DMA area as per the responsibilities listed for the local municipalities contained in the table • If authorized by the MEC or legislation is enacted to redefine this function 	<ul style="list-style-type: none"> • Must exercise any power concerning, or incidental to, the effective performance of this function. • Determine a service delivery mechanism for the performance of the function (internal or external) • If performed internally, develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Ensure coordination with related functions such as local amenities and public places

Minimum Level of Service – Control of public nuisances

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>If performed internally:</p> <p>The municipality should have the ability to:</p> <ul style="list-style-type: none"> • Promulgate bylaws on public nuisances relating to <ul style="list-style-type: none"> • health • environment • public order • hazard • Enforce bylaws relating to the control of public nuisances <p>If performed externally:</p> <ul style="list-style-type: none"> • Perform the authority role linked to the control of public nuisances function • Ability to undertake a section 78 investigation if required by section 77 of the 	<p>If performed internally then:</p> <p>There should be a sub section with:</p> <ul style="list-style-type: none"> • At least one qualified environmental health officer • At least one trained enforcement officer • Both people mentioned above could have other responsibilities within the municipality – i.e. does not need to be a full time or sole function. • Equipment and infrastructure necessary for enforce by laws relating to the control of public nuisances • Budget allocation in the operating budget estimates 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • The function performed internally in the municipality or externally • The performance of the function is included in the municipality's IDP <p>If internally, determine whether:</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality's organogram • It has sufficient staff to perform the function for the whole municipal area • It has a budget allocation for the function control in the operating estimates • It has equipment and infrastructure for the control of public nuisances function.

<p>Municipal Systems Act.</p> <ul style="list-style-type: none"> • Prepare a service level agreement which includes performance criteria • Ability to perform the function if the contractor fails to perform or terminates the contract 	<p>If performed externally:</p> <ul style="list-style-type: none"> • Contracts manager to prepare and monitor the service level agreement • Legal department to ensure legal compliance • Finance controls to ensure payment is against performance 	<p>If externally then:</p> <ul style="list-style-type: none"> • A service level agreement is in place with the external service provider • Mechanisms are in place to ensure contract performance • If relevant, an estimate in the operating budget for financing the function
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FUNCTION: CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC (Local Function)

Definition – Control of undertakings that sell liquor to the public

Control of undertakings that sell liquor to the public means:

The control of undertakings that sell liquor to the public that is permitted to do so in terms of provincial legislation, regulation and licenses, and includes an inspection service to monitor liquor outlets for compliance to license requirements in as far as such control and regulation are not covered by provincial legislation

Function ranking:

Control of undertakings that sell liquor to the public	Coastal - 3	Inland - 3
Control of undertakings that sell liquor to the public	Predominately urban - 3	Predominately rural - 3

Roles and Responsibilities – Control of undertakings that sell liquor to the public

National Responsibility:

In terms of Section 44(2) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 5 when it is necessary for

- national security,
- economic unity,
- establishing essential national standards,
- instituting minimum standards in respect of service delivery, and
- preventing unreasonable action taken by a province which prejudices another province or the country as a whole.

National government must therefore with regards to control of undertakings that sell liquor to the public, subject to subsection (2):

- Determine if there is existing legislation and its current applicability and constitutionality;

- Determine the need for a review of such legislation or the drafting of new legislation.
- Pass the appropriate legislation
- In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
<p>In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which, by implication, includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> ● Determine if there is existing legislation and its current applicability and constitutionality ● Determine the need for a review of such legislation or the drafting of new legislation ● Build the capacity of municipalities to perform this function ● Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function ● Adjust the performance of the function to the district municipality if there is a lack of capacity and if the MDB so recommends ● Ensure that the performance of this function is addressed in the municipality's IDP 	<ul style="list-style-type: none"> ● To build the capacity of the local municipalities in its area to perform this function where capacity is lacking ● Perform this function in the DMA area as per the responsibilities listed for the local municipalities contained in the table ● If authorized by the MEC or legislation is enacted to redefine this function 	<ul style="list-style-type: none"> ● Must exercise any power concerning, or incidental to, the effective performance of this function. ● Determine a service delivery mechanism for the performance of the function (internal or external) ● If performed internally, develop or maintain the capacity to perform the function ● Make provision for the function in the IDP ● Make provision for this function in the operating budget ● Include indicators in the performance management system ● May make and administer bylaws in terms of section 156(2) of the Constitution

Minimum Level of Service – Control of undertakings that sell liquor to the public

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>If performed internally:</p> <p>The municipality should have the ability to:</p>	<p>If performed internally then:</p> <p>A sub section should have:</p> <ul style="list-style-type: none"> ● At least one qualified 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> ● The function is performed internally by the municipality or externally

<ul style="list-style-type: none"> Establish by laws for the control of undertakings that sell liquor to the public which are compliant with national and provincial legislation Enforce the by laws for the control of undertakings that sell liquor to the public. <p>NOTE: An external service provider can only perform the enforcement aspect related to the function.</p> <p>If performed externally:</p> <ul style="list-style-type: none"> Perform the authority role linked to the control of undertakings that sell liquor to the public Ability to undertake a section 78 investigation if required to do so in terms of section 77 of the Municipal Systems Act. Prepare a service level agreement which includes performance criteria Ability to perform the function if the contractor fails to perform or terminates the contract 	<p>environmental health officer who could also be the enforcement officer.</p> <ul style="list-style-type: none"> Equipment and infrastructure necessary for enforcing the by laws relating to the control of undertaking that sell liquor to the public Budget allocation in the operating budget estimates <p>If performed externally:</p> <ul style="list-style-type: none"> Contracts manager to prepare and monitor the service level agreement Legal department to ensure legal compliance Finance controls to ensure payment is against performance 	<ul style="list-style-type: none"> The performance of the function is included in the municipality's IDP <p>If internally, determine whether :</p> <ul style="list-style-type: none"> Post/s are identified in the municipality's organogram It has sufficient staff to perform the function for the whole municipal area It has a budget allocation for the function in the operating estimates It has equipment and infrastructure for the control of undertaking that sell liquor to the public function. <p>If externally then:</p> <ul style="list-style-type: none"> A service level agreement is in place with the external service provider Mechanisms are in place to ensure contract performance If relevant, an estimate is in the operating budget for financing the function
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FUNCTION: FACILITIES FOR THE ACCOMMODATION, CARE AND BURIAL OF ANIMALS (Local Function)

Definition – Facilities for the accommodation, care and burial of animals

Facilities for the accommodation, care and burial of animals means:

The provision of and/or the regulation, control and monitoring of facilities which provide accommodation and care for well or sick animals and the burial or cremation of animals, including monitoring of adherence to any standards and registration requirements outlined in legislation.

Function ranking:

Facilities for the accommodation, care and burial of animals	Coastal - 3	Inland - 3
Facilities for the accommodation, care and burial of animals	Predominately urban - 3	Predominately rural - 3

Roles and Responsibilities – Facilities for the accommodation, care and burial of animals

National Responsibility:

In terms of Section 44(2) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 5 when it is necessary for

- national security,
- economic unity,
- establishing essential national standards,
- instituting minimum standards in respect of service delivery, and
- preventing unreasonable action taken by a province which prejudices another province or the country as a whole.

National government must therefore with regards facilities for the accommodation, care and burial of animals, subject to subsection (2):

- Determine if there is existing legislation and its current applicability and constitutionality;
- Determine the need for a review of such legislation or the drafting of new legislation.
- Pass the appropriate legislation

In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
<p>In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which by implication includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> • Determine if there is existing legislation and its current applicability and constitutionality • Determine the need for a review of such legislation or the drafting of new legislation • Build the capacity of municipalities to perform this function • Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function • Adjust the performance of the 	<ul style="list-style-type: none"> • To build the capacity of the local municipalities in its area to perform this function where capacity is lacking • Perform this function in the DMA area as per the responsibilities listed for the local municipalities contained in the table • If authorized by the MEC or legislation is enacted to redefine this function 	<ul style="list-style-type: none"> • Must exercise any power concerning, or incidental to, the effective performance of this function. • Determine a service delivery mechanism for the performance of the function (internal or external) • If performed internally, develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Ensure coordination with related functions such as licensing of dogs and noise pollution

<p>function to the district municipality if there is a lack of capacity and if the MDB so recommends</p> <ul style="list-style-type: none"> • Ensure that the performance of this function is addressed in the municipality's IDP 		
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Minimum Level of Service – Facilities for the accommodation, care and burial of animals

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>If performed internally:</p> <p>The municipality should have the ability to:</p> <ul style="list-style-type: none"> • Establish by laws for the facilities for the accommodation, care and burial of animals which are compliant with national and provincial legislation • Enforce the by laws <p>NOTE: An external service provider can only perform the enforcement aspect related to the function.</p> <p>If performed externally:</p> <ul style="list-style-type: none"> • Perform the authority role linked to the facilities for the accommodation, care and burial of animals. • Ability to undertake a section 78 investigation if required to do so in terms of section 77 of the Municipal Systems Act. • Prepare a service level agreement which includes performance criteria • Ability to perform the function if the contractor fails to perform or terminates the contract 	<p>If performed internally then:</p> <p>A sub section should have:</p> <ul style="list-style-type: none"> • At least one qualified environmental health officer who could also be the enforcement officer. • Equipment and infrastructure necessary for enforcing the by laws relating to the facilities for the accommodation, care and burial of animals • Budget allocation in the operating budget estimates <p>If performed externally:</p> <ul style="list-style-type: none"> • Contracts manager to prepare and monitor the service level agreement • Legal department to ensure legal compliance • Finance controls to ensure payment is against performance 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • The function is performed internally or externally • The performance of the function is included in the municipality's IDP <p>If internally, determine whether:</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality's organogram • It has sufficient staff to perform the function for the whole municipal area • It has a budget allocation for the facilities for the accommodation, care and burial of animals function in the operating estimates • It has equipment and infrastructure for the facilities for the accommodation, care and burial of animals' function. <p>If externally then:</p> <ul style="list-style-type: none"> • A service level agreement is in place with the external service provider • Mechanisms are in place to ensure contract performance • If relevant, an estimate is in the operating budget for financing the function

FUNCTION: FENCING AND FENCES (Local Function)

Definition – Fencing and fences

Fencing and fences means ensuring the provision and maintenance and/or regulation of any boundary or deterrents to animals and pedestrians along streets or roads

Function ranking:

Fencing and fences	Coastal - 2	Inland - 2
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Fencing and fences	Predominately Urban - 2	Predominately rural - 2
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Roles and Responsibilities – Fencing and fences

National Responsibility:

In terms of Section 44(2) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 5 when it is necessary for

- national security,
- economic unity,
- establishing essential national standards,
- instituting minimum standards in respect of service delivery, and
- preventing unreasonable action taken by a province which prejudices another province or the country as a whole.

National government must therefore with regards to fencing and fences, subject to subsection (2):

- Determine if there is existing legislation and its current applicability and constitutionality;
 - Determine the need for a review of such legislation or the drafting of new legislation.
 - Pass the appropriate legislation
- In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
<p>In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which by implication includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> ● Determine if there is existing legislation and its current applicability and constitutionality ● Determine the need for a 	<ul style="list-style-type: none"> ● To build the capacity of the local municipalities in its area to perform this function where capacity is lacking ● Perform this function in the DMA area as per the responsibilities listed for the local municipalities contained in the table ● If authorized by the MEC or legislation is enacted to redefine this function ● Given the linkage with the roads function, provide fences and fencing along all district roads with a speed limit of greater than 60km per 	<ul style="list-style-type: none"> ● Must exercise any power concerning, or incidental to, the effective performance of this function. ● Determine a service delivery mechanism for the performance of the function (internal or external) ● If performed internally, develop or maintain the capacity to perform the function ● Make provision for the function in the IDP ● Make provision for this function in the operating budget

<p>review of such legislation or the drafting of new legislation</p> <ul style="list-style-type: none"> • Build the capacity of municipalities to perform this function • Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function • Adjust the performance of the function to the district municipality if there is a lack of capacity and if the MDB so recommends • Ensure that the performance of this function is addressed in the municipality's IDP 	<p>hour.</p>	<ul style="list-style-type: none"> • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Ensure coordination with related functions such as local sports facilities and municipal roads
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Minimum Level of Service – Fencing and fences

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>If performed internally:</p> <p>The municipality should have the ability to:</p> <ul style="list-style-type: none"> • Establish by laws relating to ensuring the provision and maintenance and/or regulation of any boundary or deterrents to animals and pedestrians along streets or roads • The construction and maintenance of adequate fencing and fences within the municipality's area of jurisdiction as determined by the hierarchy of roads • Enforce the by laws relating to fences and fencing. <p>If performed externally:</p> <ul style="list-style-type: none"> • Perform the authority role linked to the fencing and fences function • Ability to undertake a section 78 investigation if required by section 77 of the Municipal Systems Act • Prepare a service level agreement which includes performance criteria • Ability to perform the function if the contractor fails to perform or terminates the contract 	<p>If performed internally then:</p> <p>A sub section linked to a roads or technical services department with:</p> <ul style="list-style-type: none"> • At least one qualified roads engineer for the preparation of the by laws • Equipment and infrastructure necessary for enforcing the by laws • Budget allocation in the operating budget estimates <p>If performed externally:</p> <ul style="list-style-type: none"> • Contracts manager to prepare and monitor the service level agreement • Legal department to ensure legal compliance • Finance controls to ensure payment is against performance 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • The function is performed internally or externally • The performance of the function is in the municipality's IDP <p>If internally, determine whether:</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality's organogram • It has sufficient staff to perform the function for the whole municipal area • It has a budget allocation for the fences and fencing function in the operating estimates • It has equipment and infrastructure for fences and fencing function. <p>If externally then:</p> <ul style="list-style-type: none"> • A service level agreement is in place with the external service provider • Mechanisms are in place to ensure contract performance • If relevant, an estimate is in the operating budget for financing the function

FUNCTION: LICENSING OF DOGS (Local Function)**Definition – Licensing of dogs**

Licensing of dogs means:

The control over the number and health status of dogs through a licensing mechanism

Function ranking:

Licensing of dogs	Coastal - 3	Inland - 3
Licensing of dogs	Predominately Urban - 3	Predominately rural - 3

Roles and Responsibilities – Licensing of dogs**National Responsibility:**

In terms of Section 44(2) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 5 when it is necessary for

- national security,
- economic unity,
- establishing essential national standards,
- instituting minimum standards in respect of service delivery, and
- preventing unreasonable action taken by a province which prejudices another province or the country as a whole.

National government must therefore with regards to licensing of dogs, subject to subsection (2):

- Determine if there is existing legislation and its current applicability and constitutionality;
 - Determine the need for a review of such legislation or the drafting of new legislation.
 - Pass the appropriate legislation
- In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in	<ul style="list-style-type: none"> ● To build the capacity of the local municipalities in its area to perform this function where capacity is lacking ● Perform this function in the 	<ul style="list-style-type: none"> ● Must exercise any power concerning, or incidental to, the effective performance of this function. ● Determine a service delivery

<p>schedules 4 and 5 which by implication includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> • Determine if there is existing legislation and its current applicability and constitutionality • Determine the need for a review of such legislation or the drafting of new legislation • Build the capacity of municipalities to perform this function • Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function • Adjust the performance of the function to the district municipality if there is a lack of capacity and if the MDB so recommends • Ensure that the performance of this function is addressed in the municipality's IDP 	<p>DMA area as per the responsibilities listed for the local municipalities contained in the table</p> <ul style="list-style-type: none"> • If authorized by the MEC or legislation is enacted to redefine this function 	<p>mechanism for the performance of the function (internal or external)</p> <ul style="list-style-type: none"> • If performed internally, develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Ensure coordination with related functions such as public nuisances and facilities for the accommodation, care and burial of animals.
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Minimum Level of Service – Licensing of dogs

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>If performed internally:</p> <p>The municipality should have the ability to:</p> <ul style="list-style-type: none"> • Establish by laws for the licensing of dogs which are compliant with national and provincial legislation • Enforce licensing of dogs by laws. <p>NOTE: Enforcement function only</p> <p>If performed externally:</p> <ul style="list-style-type: none"> • Perform the authority role linked to the licensing of dogs function • Ability to undertake a section 78 investigation if required by section 77 of the Municipal Systems Act • Prepare a service level agreement which includes performance criteria • Ability to perform the function if the contractor fails to perform or terminates the 	<p>If performed internally then:</p> <p>A sub section of possibly an environmental health department with:</p> <ul style="list-style-type: none"> • At least one qualified environmental health officer • Equipment and infrastructure necessary for licensing of dogs • Budget allocation in the operating budget estimates <p>If performed externally:</p> <ul style="list-style-type: none"> • Contracts manager to prepare and monitor the service level agreement • Legal department to ensure legal compliance • Finance controls to ensure payment is against performance 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • The function is performed internally by the municipality or externally • The performance of the function is in the municipality's IDP <p>If internally, determine whether:</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality's organogram • It has sufficient staff to perform the function for the whole municipal area • It has a budget allocation for the licensing of dogs in the operating estimates • It has equipment and infrastructure for monitoring licensing of dogs function. <p>If externally then:</p> <ul style="list-style-type: none"> • A service level agreement is in place with the external service provider • Mechanisms are in place to ensure contract performance

contract		<ul style="list-style-type: none"> If relevant, an estimate is in the operating budget for financing the function
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FUNCTION: LICENSING AND CONTROL OF UNDERTAKINGS THAT SELL FOOD TO THE PUBLIC (Local Function)

Definition – Licensing and control of undertakings that sell food to the public

Licensing and control of undertakings that sell food to the public means:

Ensuring the quality and the maintenance of food safety and hygiene related environmental health standards through regulation, a issuance of a certificate of acceptability and monitoring of any place that renders in the course of any commercial transaction the supply/handling of food intended for human consumption. Implement policy and regulations 'as provided for and prescribed in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972) and the Health Act, 1977 (Act 63 of 1977), including the relevant regulations published under the mentioned Acts.

Function ranking:

Licensing and control of undertakings that sell food to the public	Coastal - 1	Inland - 1
Licensing and control of undertakings that sell food to the public	Predominately urban - 1	Predominately rural - 1

Roles and Responsibilities – Licensing and control of undertakings that sell food to the public

National Responsibility:

In terms of Section 44(2) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 5 when it is necessary for

- national security,
- economic unity,
- establishing essential national standards,
- instituting minimum standards in respect of service delivery, and
- preventing unreasonable action taken by a province which prejudices another province or the country as a whole.

National government must therefore with regards to licensing and control of undertakings that sell food to the public, subject to subsection (2):

- Determine if there is existing legislation and its current applicability and constitutionality;
- Determine the need for a review of such legislation or the drafting of new legislation.
- Pass the appropriate legislation

- In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
<p>In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which, by implication, includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> • Determine if there is existing legislation and its current applicability and constitutionality • Determine the need for a review of such legislation or the drafting of new legislation • Build the capacity of municipalities to perform this function • Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function • Adjust the performance of the function to the district municipality if there is a lack of capacity and if the MDB so recommends • Ensure that the performance of this function is addressed in the municipality's IDP 	<ul style="list-style-type: none"> • To build the capacity of the local municipalities in its area to perform this function where capacity is lacking • Perform this function in the DMA area as per the responsibilities listed for the local municipalities contained in the table • If authorized by the MEC or legislation is enacted to redefine this function e.g. as part of municipal health services. 	<ul style="list-style-type: none"> • Must exercise any power concerning, or incidental to, the effective performance of this function. • Determine a service delivery mechanism for the performance of the function (internal or external) • If performed internally, develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Ensure coordination with related functions such as local economic development and trading regulations

Minimum Level of Service – Licensing and control of undertakings that sell food to the public

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>If performed internally:</p> <p>The municipality should have the ability to:</p> <ul style="list-style-type: none"> • Prepare by laws for licensing and control of undertakings that sell food to the public which are compliant with 	<p>If performed internally then:</p> <p>A sub section of possibly an environmental health department with:</p> <ul style="list-style-type: none"> • At least one qualified environmental health officer • Equipment and infrastructure 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • The function performed internally or externally • The performance of the function is in the municipality's IDP <p>If internally determine whether:</p>

<p>national and provincial legislation</p> <ul style="list-style-type: none"> Enforcing by laws for licensing and control of undertakings that sell food to the public <p>NOTE: Only the enforcement aspect may be performed by an external service provider</p> <p>If performed externally:</p> <ul style="list-style-type: none"> Perform the authority role linked to the function Ability to undertake a section 78 investigation if required by section 77 of the Municipal Systems Act Prepare a service level agreement which includes performance criteria Ability to perform the function if the contractor fails to perform or terminates the contract 	<p>necessary for licensing and control of undertakings that sell food to the public function</p> <ul style="list-style-type: none"> Budget allocation in the operating budget estimates <p>If performed externally:</p> <ul style="list-style-type: none"> Contracts manager to prepare and monitor the service level agreement Legal department to ensure legal compliance Finance controls to ensure payment is against performance 	<ul style="list-style-type: none"> Post/s are identified in the municipality's organogram It has sufficient staff to perform the function for the whole municipal area It has a budget allocation for the licensing and control of undertakings that sell food to the public function in the operating estimates It has equipment and infrastructure for monitoring licensing and control of undertakings that sell food to the public function <p>If externally then:</p> <ul style="list-style-type: none"> A service level agreement is in place with the external service provider Mechanisms are in place to ensure contract performance If relevant, an estimate is in the operating budget for financing the function
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FUNCTION: LOCAL AMENITIES (Local Function)

Definition – Local amenities

Local amenities means:

The provision, manage, preserve and maintenance of any municipal place, land, and building reserved for the protection of places or objects of scenic, natural, historical and cultural value or interest and the provision and control of any such or other facility for public use but excludes such places, land or buildings falling within competencies of national and provincial governments.

Function ranking:

Local amenities	Coastal - 3	Inland - 3
Local amenities	Predominately Urban - 3	Predominately rural - 3

Roles and Responsibilities – Local amenities

National Responsibility:

In terms of Section 44(2) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 5 when it is necessary for

- national security,

- economic unity,
- establishing essential national standards,
- instituting minimum standards in respect of service delivery, and
- preventing unreasonable action taken by a province which prejudices another province or the country as a whole.

National government must therefore with regards to local amenities, subject to subsection (2):

- Determine if there is existing legislation and its current applicability and constitutionality;
 - Determine the need for a review of such legislation or the drafting of new legislation.
 - Pass the appropriate legislation
- In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
<p>In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which by implication includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> ● Determine if there is existing legislation and its current applicability and constitutionality ● Determine the need for a review of such legislation or the drafting of new legislation ● Build the capacity of municipalities to perform this function ● Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function ● Adjust the performance of the function to the district municipality if there is a lack of capacity and if the MDB so recommends ● Ensure that the performance of this function is addressed in the municipality's IDP 	<ul style="list-style-type: none"> ● To build the capacity of the local municipalities in its area to perform this function where capacity is lacking ● Perform this function in the DMA area as per the responsibilities listed for the local municipalities contained in the table ● If authorized by the MEC or legislation is enacted to redefine this function e.g. as part of municipal health services. 	<ul style="list-style-type: none"> ● Must exercise any power concerning, or incidental to, the effective performance of this function. ● Determine a service delivery mechanism for the performance of the function (internal or external) ● If performed internally, develop or maintain the capacity to perform the function ● Make provision for the function in the IDP ● Make provision for this function in the operating budget ● Include indicators in the performance management system ● May make and administer bylaws in terms of section 156(2) of the Constitution ● Ensure coordination with related functions such as local economic development and municipal public transport

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Minimum Level of Service – Local Amenities

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>If performed internally:</p> <p>The municipality should have the ability to:</p> <ul style="list-style-type: none"> Establish by laws for local amenities Management plans to maintain and to preserve land and buildings, owned by the municipality, for its scenic, natural, historical and cultural value or interest. Provide, manage, preserve and maintain local amenities if applicable Enforce the by laws <p>If performed externally:</p> <ul style="list-style-type: none"> Perform the authority role linked to the function Ability to undertake a section 78 investigation if required to do so by section 77 of the Municipal Systems Act Prepare a service level agreement which includes performance criteria Ability to perform the function if the contractor fails to perform or terminates the contract 	<p>If performed internally then:</p> <p>A sub section possibly linked to the parks and recreations department:</p> <ul style="list-style-type: none"> At least one qualified person in facilities management Equipment and infrastructure necessary for the local amenities function Budget allocation in the operating budget estimates <p>If performed externally:</p> <ul style="list-style-type: none"> Contracts manager to prepare and monitor the service level agreement Legal department for ensuring legal compliance Finance controls to ensure payment is against performance 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> The function is performed internally or externally The performance of the function is in the municipality's IDP <p>If internally determine whether:</p> <ul style="list-style-type: none"> Post/s are identified in the municipality's organogram It has sufficient staff to perform the function for the whole municipal area It has a budget allocation for the local amenities function in the operating estimates It has equipment and infrastructure for the local amenities function <p>If externally then:</p> <ul style="list-style-type: none"> A service level agreement is in place with the external service provider Mechanisms are in place to ensure contract performance If relevant, an estimate in the operating budget for financing the function

FUNCTION: LOCAL SPORT FACILITIES (Local Function)

Definition – Local sport facilities

Local sport facilities means:

The provision, management and/or control of any sport facility within the municipal area.

Function ranking:

Local sport facilities	Coastal - 3	Inland - 3
Local sport facilities	Predominately urban - 3	Predominately rural - 3

Roles and Responsibilities – Local sport facilities

National Responsibility:

In terms of Section 44(2) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 5 when it is necessary for

- national security,
- economic unity,
- establishing essential national standards,
- instituting minimum standards in respect of service delivery, and
- preventing unreasonable action taken by a province which prejudices another province or the country as a whole.

National government must therefore with regards to local sport facilities, subject to subsection (2):

- Determine if there is existing legislation and its current applicability and constitutionality;
 - Determine the need for a review of such legislation or the drafting of new legislation.
 - Pass the appropriate legislation
- In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
<p>In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which by implication includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> ● Determine if there is existing legislation and its current applicability and constitutionality ● Determine the need for a review of such legislation or the drafting of new legislation ● Build the capacity of municipalities to perform this function ● Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function ● Adjust the performance of the function to the district 	<ul style="list-style-type: none"> ● To build the capacity of the local municipalities in its area to perform this function where capacity is lacking ● Perform this function in the DMA area as per the responsibilities listed for the local municipalities contained in the table ● If authorized by the MEC or legislation is enacted to redefine this function e.g. as part of municipal health services. 	<ul style="list-style-type: none"> ● Must exercise any power concerning, or incidental to, the effective performance of this function. ● Determine a service delivery mechanism for the performance of the function (internal or external) ● If performed internally, develop or maintain the capacity to perform the function ● Make provision for the function in the IDP ● Make provision for this function in the operating budget ● Include indicators in the performance management system ● May make and administer bylaws in terms of section 156(2) of the Constitution ● Ensure coordination with related functions such as fences and fencing, and municipal public transport

<p>municipality if there is a lack of capacity and if the MDB so recommends</p> <ul style="list-style-type: none"> • Ensure that the performance of this function is addressed in the municipality's IDP 		
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Minimum Level of Service – Local sport facilities

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>If performed internally:</p> <p>The municipality should have the ability to:</p> <ul style="list-style-type: none"> • Provide, manage and/or control any sport facility within the municipal area. • Sports facilities plan • *** sport facilities per **** population <p>If performed externally:</p> <ul style="list-style-type: none"> • Perform the authority role linked to the local sports facilities function • Ability to undertake a section 78 investigation • Prepare a service level agreement which includes performance criteria • Ability to perform the function if the contractor fails to perform or terminates the contract 	<p>If performed internally then:</p> <p>A sub section probably linked to the parks and recreations department with:</p> <ul style="list-style-type: none"> • At least one qualified person in facilities management • General workers for maintenance purposes • Equipment and infrastructure necessary for local sports facilities • Budget allocation in the operating budget estimates <p>If performed externally:</p> <ul style="list-style-type: none"> • Contracts manager to prepare and monitor the service level agreement • Legal department for ensuring legal compliance • Finance controls to ensure payment is against performance 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • The function is performed internally or externally • The performance of the function is in the municipality's IDP <p>If internally, determine whether:</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality's organogram • It has sufficient staff to perform the function for the whole municipal area • It has a budget allocation for the local sport facilities function in the operating estimates • It has equipment and infrastructure for local sport facilities function. <p>If externally then:</p> <ul style="list-style-type: none"> • A service level agreement is in place with the external service provider • Mechanisms are in place to ensure contract performance • If relevant, an estimate is in the operating budget for financing the function

FUNCTION: MARKETS (Local Function)

Definition – Markets

Fresh Produce Markets means:

The establishment, operation, management, conduct, regulation and control of markets restricted to the selling of fresh products, vegetables, fruit, flowers, fish and meat.

Markets means:

The establishment, operation, management, conduct, regulation and/or control of markets other than fresh produce markets including market permits, location, times, conduct etc.

In relation to a District Municipality it also means:

The establishment, conduct and control of fresh produce markets serving the area of a major proportion of the municipalities in the district

In relation to a Local Municipality it also means:

The establishment, conduct and control of fresh produce markets serving the local municipality area only

Function ranking:

Markets	Coastal - 3	Inland - 3
Markets	Predominately urban - 2	Predominately rural - 3

Roles and Responsibilities – Markets

National Responsibility:

In terms of Section 44(2) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 5 when it is necessary for

- national security,
- economic unity,
- establishing essential national standards,
- instituting minimum standards in respect of service delivery, and
- preventing unreasonable action taken by a province which prejudices another province or the country as a whole.

National government must therefore with regards to markets, subject to subsection (2):

- Determine if there is existing legislation and its current applicability and constitutionality;
 - Determine the need for a review of such legislation or the drafting of new legislation.
 - Pass the appropriate legislation
- In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
<p>In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which, by implication, includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p>	<ul style="list-style-type: none"> • Must exercise any power concerning, or incidental to, the effective performance of the “fresh produce market” functions if the market serves the area of a major proportion of the municipalities in the district. • Develop strategic plan for the development of markets for the district as a whole • Perform the local 	<ul style="list-style-type: none"> • Must exercise any power concerning, or incidental to, the effective performance of the “fresh produce market” function where the market serves only the area of the local municipality, and must perform the “markets function” in its area of jurisdiction • Determine a service delivery mechanism for the performance of the function

<ul style="list-style-type: none"> • Determine if there is existing legislation and its current applicability and constitutionality • Determine the need for a review of such legislation or the drafting of new legislation • Build the capacity of municipalities to perform this function • Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function • Adjust the performance of the function to the district municipality if there is a lack of capacity and if the MDB so recommends • Ensure that the performance of this function is addressed in the municipality's IDP 	<p>municipality “markets” function if so authorized by the MEC</p> <ul style="list-style-type: none"> • Determine a service delivery mechanism for the performance of the function (internal or external) • If performed internally, develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • To build the capacity of the local municipalities in its area to perform this function where capacity is lacking • Perform this function in the DMA area as per the responsibilities listed for the local municipalities contained in the table 	<p>(internal or external)</p> <ul style="list-style-type: none"> • If performed internally, develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Perform the district municipality markets function if authorized by the MEC • Ensure coordination with related functions such as local economic development and local tourism
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Minimum Level of Service – Markets

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>If performed internally:</p> <p>The municipality should have the ability to:</p> <ul style="list-style-type: none"> • Establish bylaws in relation to fresh produce markets • Establish, conduct and control fresh produce markets if required • Enforce by laws <p>If performed externally:</p> <ul style="list-style-type: none"> • Perform the authority role linked to the fresh produce markets function • Ability to undertake a section 78 investigation • Prepare a service level agreement which includes performance criteria • Ability to perform the function if the contractor fails to perform or terminates the contract 	<p>If performed internally then:</p> <p>A department or sub department:</p> <ul style="list-style-type: none"> • At least one qualified environmental health officer • Equipment and infrastructure necessary for fresh produce markets function • Budget allocation in the operating budget estimates <p>If performed externally:</p> <ul style="list-style-type: none"> • Contracts manager to prepare and monitor the service level agreement • Legal department for ensuring legal compliance • Finance controls to ensure payment is against performance 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • The function is performed internally or externally • The performance of the function is in the municipality's IDP <p>If internally, determine whether:</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality's organogram • It has sufficient staff to perform the function for the whole municipal area • It has a budget allocation for the fresh produce markets function in the operating estimates • It has equipment and infrastructure for fresh produce markets function. <p>If externally then:</p> <ul style="list-style-type: none"> • A service level agreement is in place with the external service provider

		<ul style="list-style-type: none"> • Mechanisms are in place to ensure contract performance • If relevant, an estimate is in the operating budget for financing the function
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FUNCTION: MUNICIPAL ABATTOIRS

Definition – Municipal abattoirs (Shared Function)

Municipal abattoirs means

The establishment, conduct and/or control of facilities for the slaughtering of livestock and poultry

In relation to a District Municipality it also means:

The establishment, conduct and control of abattoirs serving the area of a major proportion of the municipalities in the district

In relation to a Local Municipality it also means:

The establishment, conduct and control of abattoirs serving the local municipality area only

Function ranking:

Municipal abattoirs	Coastal - 3	Inland - 3
Municipal abattoirs	Predominately urban - 2	Predominately Rural - 3

Roles and Responsibilities – Municipal abattoirs

National Responsibility:

In terms of Section 44(2) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 5 when it is necessary for

- national security,
- economic unity,
- establishing essential national standards,
- instituting minimum standards in respect of service delivery, and
- preventing unreasonable action taken by a province which prejudices another province or the country as a whole.

National government must therefore with regards to municipal abattoirs, subject to subsection (2):

- Determine if there is existing legislation and its current applicability and constitutionality;
- Determine the need for a review of such legislation or the drafting of new legislation.
- Pass the appropriate legislation

- In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
<p>In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional area list in schedules 4 and 5 which by implication includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> • Determine if there is existing legislation and its current applicability and constitutionality • Determine the need for a review of such legislation or the drafting of new legislation • Build the capacity of municipalities to perform this function • Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function • Adjust the performance of the function to the district municipality if there is a lack of capacity and if the MDB so recommends • Ensure that the performance of this function is addressed in the municipality's IDP 	<ul style="list-style-type: none"> • Must exercise any power concerning, or incidental to, the effective performance of this function where the facilities serve the area of a major proportion of the municipalities in the district. • Develop strategic plan for the development of abattoirs for the district as a whole • Determine a service delivery mechanism for the performance of the function (internal or external) • If performed internally, develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution To build the capacity of the local municipalities in its area to perform this function where capacity is lacking Perform this function in the DMA area as per the responsibilities listed for the local municipalities contained in the table i) If authorized by the MEC or legislation is enacted to redefine this function 	<ul style="list-style-type: none"> • Must exercise any power concerning, or incidental to, the effective performance of this function where the facilities serves only the area of the local municipality • Determine a service delivery mechanism for the performance of the function (internal or external) • If performed internally, develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Perform the district municipality markets function if authorized by the MEC • Ensure coordination with related functions such as public nuisances • Ensure compliance with national standards as prescribed under the Water Services Act S(9) and the National Water Act S26(1).

Minimum Level of Service – Municipal abattoirs

Minimum Level of Service	Municipal Requirement	MDB Assessment
If performed internally:	If performed internally then:	MDB will assess if:

<p>The municipality should have the ability to:</p> <ul style="list-style-type: none"> • Establish bylaws in relation to abattoirs • Establish and conduct abattoirs if required • Enforce by laws <p>If performed externally:</p> <ul style="list-style-type: none"> • Perform the authority role linked to the abattoirs function • Ability to undertake a section 78 investigation • Prepare a service level agreement which includes performance criteria • Ability to perform the function if the contractor fails to perform or terminates the contract 	<p>There should be a department or sub department: with:</p> <ul style="list-style-type: none"> • At least one qualified environmental health officer • Equipment and infrastructure necessary for the abattoirs function • Budget allocation in the operating budget estimates <p>If performed externally:</p> <ul style="list-style-type: none"> • Contracts manager to prepare and monitor the service level agreement • Legal department for ensuring legal compliance • Finance controls to ensure payment is against performance 	<ul style="list-style-type: none"> • The function is performed internally or externally • The performance of the function is in the municipality's IDP <p>If internally, determine whether:</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality's organogram • It has sufficient staff to perform the function for the whole municipal area • It has a budget allocation for the abattoirs • The abattoir function is in the operating estimates • It has equipment and infrastructure for the abattoirs function. <p>If externally then:</p> <ul style="list-style-type: none"> • A service level agreement is in place with the external service provider • Mechanisms are in place to ensure contract performance • If relevant, an estimate is in the operating budget for financing the function
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FUNCTION: MUNICIPAL PARKS AND RECREATION (Local function)

Definition – Municipal parks and recreation

Municipal parks and recreation means

The provision, management, control and maintenance of any land, gardens or facility set aside for recreation, sightseeing and/or tourism and includes playgrounds but excludes sport facilities.

Function ranking:

Municipal parks and recreation	Coastal - 3	Inland - 3
Municipal parks and recreation	Predominately urban - 2	Predominately rural - 3

Roles and Responsibilities – Municipal parks and recreation

National Responsibility:

In terms of Section 44(2) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 5 when it is necessary for

- national security,
- economic unity,
- establishing essential national standards,
- instituting minimum standards in respect of service delivery, and

- preventing unreasonable action taken by a province which prejudices another province or the country as a whole.

National government must therefore with regards to municipal parks and recreation, subject to subsection (2):

- Determine if there is existing legislation and its current applicability and constitutionality;
 - Determine the need for a review of such legislation or the drafting of new legislation.
 - Pass the appropriate legislation
- In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
<p>In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which by implication includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> ● Determine if there is existing legislation and its current applicability and constitutionality ● Determine the need for a review of such legislation or the drafting of new legislation ● Build the capacity of municipalities to perform this function ● Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function ● Adjust the performance of the function to the district municipality if there is a lack of capacity and if the MDB so recommends ● Ensure that the performance of this function is addressed in the municipality's IDP 	<ul style="list-style-type: none"> ● To build the capacity of the local municipalities in its area to perform this function where capacity is lacking ● Perform this function as per the listing under local municipality within the DMA area if applicable to district or when so authorized by the MEC 	<ul style="list-style-type: none"> ● Must exercise any power concerning, or incidental to, the effective performance of this function. ● Determine a service delivery mechanism for the performance of the function (internal or external) ● If performed internally, develop or maintain the capacity to perform the function ● Make provision for the function in the IDP ● Make provision for this function in the operating budget ● Include indicators in the performance management system ● May make and administer bylaws in terms of section 156(2) of the Constitution ● Ensure coordination with related functions such as street lighting and municipal public transport

Minimum Level of Service – Municipal parks and recreation

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>If performed internally:</p> <p>The municipality should have the ability to:</p> <ul style="list-style-type: none"> • Strategically manage and co-ordinate the provision and maintenance of parks and recreation facilities linked to the IDP • Establish by laws for the management of municipal parks and recreation • ***** ha open space per ***** population • Enforce by laws <p>If performed externally:</p> <ul style="list-style-type: none"> • Perform the authority role linked to the parks and recreations function • Ability to undertake a section 78 investigation • Prepare a service level agreement which includes performance criteria • Ability to perform the function if the contractor fails to perform or terminates the contract 	<p>If performed internally then:</p> <p>There should be a department or sub section that is sometimes linked to the technical services department with:</p> <ul style="list-style-type: none"> • At least one qualified horticulturalist • Foreman and general workers for maintenance • Equipment and infrastructure necessary for parks and recreations function – this may include the need for mechanical depots • Budget allocation in the operating budget estimates <p>If performed externally:</p> <ul style="list-style-type: none"> • Contracts manager to prepare and monitor the service level agreement • Legal department for ensuring legal compliance • Finance controls to ensure payment is against performance 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • The function is performed internally or externally • The performance of the function is in the municipality's IDP <p>If internally, determine whether:</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality's organogram • It has sufficient staff to perform the function for the whole municipal area • It has a budget allocation for the parks and recreations function in the operating estimates • It has equipment and infrastructure for the parks and recreations function <p>If externally then:</p> <ul style="list-style-type: none"> • A service level agreement is in place with the external service provider • Mechanisms are in place to ensure contract performance • If relevant, an estimate is in the operating budget for financing the function

FUNCTION: MUNICIPAL ROADS (Shared Function)

Definition – Municipal roads

“Municipal roads” means:

The construction, maintenance, and control of a road which the public has the right to and includes, in addition to the roadway the land of which the road consists or over which the road extends and anything on that land forming part of, connected with, or belonging to the road.

In relation to a district municipality it also means:

Municipal roads which form an integral part of a road transport system for the area of the district municipality as a whole.

In relation to a local municipality it also means

A street in a built-up areas.

Function ranking:

Municipal roads	Coastal - 1	Inland - 1
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Municipal roads	Predominately Urban - 1	Predominately rural - 1
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Roles and Responsibilities – Municipal roads

National Responsibility:

In terms of Section 44(2) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 5 when it is necessary for

- national security,
- economic unity,
- establishing essential national standards,
- instituting minimum standards in respect of service delivery, and
- preventing unreasonable action taken by a province which prejudices another province or the country as a whole.

National government must therefore with regards to municipal roads, subject to subsection (2):

- Determine if there is existing legislation and its current applicability and constitutionality;
 - Determine the need for a review of such legislation or the drafting of new legislation.
 - Pass the appropriate legislation
- In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
<p>In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which by implication includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> ● Determine if there is existing legislation and its current applicability and constitutionality ● Determine the need for a review of such legislation or 	<ul style="list-style-type: none"> ● Must exercise any power concerning, or incidental to, the effective performance of this function where the road, excluding a street within the build-up area of a local municipality, form an integral part of a road transport system for the area of the district municipality as a whole ● Determine a service delivery mechanism for the performance of the function (internal or external) ● If performed internally, develop or maintain the capacity to perform the 	<ul style="list-style-type: none"> ● Must exercise any power concerning, or incidental to, the effective performance of this function where the street or road is mainly part of the infrastructure of the local municipality ● Determine a service delivery mechanism for the performance of the function (internal or external) ● If performed internally, develop or maintain the capacity to perform the function ● Make provision for the function in the IDP ● Make provision for this

<p>the drafting of new legislation</p> <ul style="list-style-type: none"> • Build the capacity of municipalities to perform this function • Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function • Adjust the performance of the function to the district municipality if there is a lack of capacity and if the MDB so recommends • Ensure that the performance of this function is addressed in the municipality's IDP <p>As roads is a concurrent national and provincial competence, provinces must investigate as to whether this function can most effectively be administered locally and as to whether a municipality has the capacity to administer it. If so, the function must be assigned to the municipality by agreement and subject to any conditions as provided for in section 156(4) of the Constitution.</p> <p>If the split between the provincial and local competencies in respect of this function is to be maintained, a clear delineation of responsibilities is required.</p>	<p>function</p> <ul style="list-style-type: none"> • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • To build the capacity of the local municipalities in its area to perform this function where capacity is lacking <p>Class 3a: Primary rural district distributor - Primary distributors of traffic within rural districts serving villages (smaller towns) with moderate levels of vehicle ownership</p> <p>Class 3a: Primary urban district distributor - Primary distributors of traffic within an urban district. Roads are normally of a four lane standard</p> <p>Class 3b: Secondary rural district distributor - Secondary distributors within rural districts serving rural settlements or agricultural developments. Roads are typically of low two lane design standard and may include some gravel roads</p> <p>Class 3b: Secondary urban district distributor - Secondary distributors of traffic within an urban district. Normally of two lane standard</p>	<p>function in the operating budget</p> <ul style="list-style-type: none"> • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Perform the function for the district if authorized by the MEC <p>Class 4: Rural local distributor - Distribute traffic within rural settlements. Provide a mixture of mobility and access at relatively low speed over relatively short distances; typically two lane roads</p> <p>Class 4: Urban local distributor - Distribute traffic within one suburb of a town or city and to provide a link between district distributors and access roads; roads normally of a two lane standard</p> <p>Class 5: Access road - Street access – two lane standard within residential areas</p> <ul style="list-style-type: none"> • Ensure coordination with related functions such as local economic development, local tourism and municipal public transport
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Minimum Level of Service – Municipal roads

Minimum Level of Service	Municipal Requirement	MDB Assessment
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<p>District</p> <ul style="list-style-type: none"> An integrated transport plan that deals with the planning, construction, operation, control and regulation of municipal roads for the district as a whole Management and maintenance of the following road classifications: <ul style="list-style-type: none"> Class 3a: Primary rural district distributor Class 3a: Primary urban district distributor Class 3b: Secondary rural district distributor Class 3b: Secondary urban district distributor <p>Local Municipality</p> <ul style="list-style-type: none"> An integrated transport plan that deals with the planning, construction, operation, control and regulation of municipal roads for the district as a whole Management and maintenance of the following road classifications: <ul style="list-style-type: none"> Class 4: Rural local distributor Class 4: Urban local distributor Class 5: Access road 	<p>If performed internally then:</p> <p>A roads department which will be linked to the technical services section with:</p> <ul style="list-style-type: none"> At least one qualified road engineer or technician Equipment and infrastructure necessary for municipal roads function Budget allocation in the operating budget estimates <p>If performed externally:</p> <ul style="list-style-type: none"> Contracts manager to prepare and monitor the service level agreement Legal department for ensuring legal compliance Finance controls to ensure payment is against performance 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> The function is performed internally or externally The performance of the function is in the municipality's IDP <p>If internally, determine whether:</p> <ul style="list-style-type: none"> Post/s are identified in the municipality's organogram It has sufficient staff to perform the function for the whole municipal area It has a budget allocation for the municipal roads function in the operating estimates It has equipment and infrastructure for municipal roads function. <p>If externally then:</p> <ul style="list-style-type: none"> A service level agreement is in place with the external service provider Mechanisms are in place to ensure contract performance If relevant, an estimate is in the operating budget for financing the function
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FUNCTION : NOISE POLLUTION (Local Function)

Definition – Noise pollution

Noise pollution means:

The control and monitoring of any noise that adversely affects human health or well-being or the ecosystems useful to mankind, now or in the future

Function ranking:

Noise pollution	Coastal - 2	Inland - 2
Noise pollution	Predominately urban - 2	Predominately rural - 3

Roles and Responsibilities – Noise pollution

National Responsibility:

In terms of Section 44(2) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 5 when it is necessary for

- national security,
- economic unity,
- establishing essential national standards,
- instituting minimum standards in respect of service delivery, and
- preventing unreasonable action taken by a province which prejudices another province or the country as a whole.

National government must therefore with regards to noise pollution, subject to subsection (2):

- Determine if there is existing legislation and its current applicability and constitutionality;
 - Determine the need for a review of such legislation or the drafting of new legislation.
 - Pass the appropriate legislation
- In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
<p>In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which, by implication, includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> ● Determine if there is existing legislation and its current applicability and constitutionality ● Determine the need for a review of such legislation or the drafting of new legislation ● Build the capacity of municipalities to perform this function ● Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function ● Adjust the performance of the 	<ul style="list-style-type: none"> ● To build the capacity of the local municipalities in its area to perform this function where capacity is lacking ● Perform this function in the DMA area as per the responsibilities listed for the local municipalities contained in the table ● If authorized by the MEC or legislation is enacted to redefine this function e.g. as part of municipal health services 	<ul style="list-style-type: none"> ● Must exercise any power concerning, or incidental to, the effective performance of this function. ● Determine a service delivery mechanism for the performance of the function (internal or external) ● If performed internally, develop or maintain the capacity to perform the function ● Make provision for the function in the IDP ● Make provision for this function in the operating budget ● Include indicators in the performance management system ● May make and administer bylaws in terms of section 156(2) of the Constitution ● Ensure coordination with related functions cemeteries, funeral parlours and crematoria and municipal roads

<p>function to the district municipality if there is a lack of capacity and if the MDB so recommends</p> <ul style="list-style-type: none"> • Ensure that the performance of this function is addressed in the municipality's IDP <p>As pollution control is a concurrent national and provincial competence, provinces must investigate as to whether this function can most effectively be administered locally and as to whether a municipality has the capacity to administer it. If so, the function must be assigned to the municipality by agreement and subject to any conditions as provided for in section 156(4) of the Constitution.</p> <p>If the split between the provincial and local competencies in respect of this function is to be maintained, a clear delineation of responsibilities is required.</p>		
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Minimum Level of Service – Noise pollution

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>If performed internally:</p> <p>The municipality should have the ability to:</p> <ul style="list-style-type: none"> • Establish noise pollution standards for the municipality which are compliant with national and provincial legislation • Zoning of noise areas as determined by the bylaws and noise policy • Monitor the noise pollution within the municipality • Enforce noise pollution regulations <p>If performed externally:</p> <ul style="list-style-type: none"> • Perform the authority role linked to the noise pollution function • Ability to undertake a section 78 investigation • Prepare a service level agreement which includes performance criteria • Ability to perform the function if the contractor fails to perform or terminates the contract 	<p>If performed internally then:</p> <p>A sub section should be in place with:</p> <ul style="list-style-type: none"> • At least one qualified environmental health officer • Equipment and infrastructure necessary for checking noise pollution and database management • Budget allocation in the operating budget estimates <p>If performed externally:</p> <ul style="list-style-type: none"> • Contracts manager to prepare and monitor the service level agreement • Legal department for ensuring legal compliance • Finance controls to ensure payment is against performance 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • The function is performed internally or externally • The performance of the function is in the municipality's IDP <p>If internally, determine whether:</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality's organogram • It has sufficient staff to perform the function for the whole municipal area • It has a budget allocation for the noise pollution control function in the operating estimates • It has equipment and infrastructure for monitoring noise pollution and other related aspects to the function <p>If externally then:</p> <ul style="list-style-type: none"> • A service level agreement is in place with the external service provider • Mechanisms are in place to ensure contract performance • If relevant, an estimate is in

		the operating budget for financing the function
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FUNCTION: POUNDS (Local Function)

Definition – Pounds

Pounds means:

The provision, management, maintenance and control of any area or facility set aside by the municipality for the securing of any animal or object confiscated by the municipality in terms of its by laws.

Function ranking:

Pounds	Coastal - 2	Inland - 2
Pounds	Predominately urban - 2	Predominately rural - 2

Roles and Responsibilities – Pounds

National Responsibility:

In terms of Section 44(2) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 5 when it is necessary for

- national security,
- economic unity,
- establishing essential national standards,
- instituting minimum standards in respect of service delivery, and
- preventing unreasonable action taken by a province which prejudices another province or the country as a whole.

National government must therefore with regards to pounds, subject to subsection (2):

- Determine if there is existing legislation and its current applicability and constitutionality;
- Determine the need for a review of such legislation or the drafting of new legislation.
- Pass the appropriate legislation

Provincial Responsibility	District Responsibility	Local Responsibility
In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which by implication includes the enactment of legislation on municipal functions. A provincial government must	<ul style="list-style-type: none"> • To build the capacity of the local municipalities in its area to perform this function where capacity is lacking • Perform this function in the DMA area as per the responsibilities listed for the local municipalities contained in the table • If authorized by the MEC or legislation is enacted to 	<ul style="list-style-type: none"> • Must exercise any power concerning, or incidental to, the effective performance of this function. • Determine a service delivery mechanism for the performance of the function (internal or external) • If performed internally, develop or maintain the capacity to perform the

<p>therefore:</p> <ul style="list-style-type: none"> • Determine if there is existing legislation and its current applicability and constitutionality • Determine the need for a review of such legislation or the drafting of new legislation • Build the capacity of municipalities to perform this function • Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function • Adjust the performance of the function to the district municipality if there is a lack of capacity and if the MDB so recommends <p>To ensure that the performance of this function is addressed in the municipality's IDP</p>	<p>redefine this function e.g. as part of municipal health services.</p>	<p>function</p> <ul style="list-style-type: none"> • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Ensure coordination with related functions such as noise pollution and fences and fencing
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Minimum Level of Service – Pounds

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>If performed internally:</p> <p>The municipality should have the ability to:</p> <ul style="list-style-type: none"> • Prepare by laws for the provision and management of pounds • Provide, manage, maintain and control any area or facility set aside by the municipality for the securing of any animal or object confiscated by the municipality in terms of its by laws • Enforce the by laws <p>If performed externally:</p> <ul style="list-style-type: none"> • Perform the authority role linked to the pounds function • Ability to undertake a section 78 investigation if required, in terms of section 77 of the Municipal Systems Act • Prepare a service level agreement which includes performance criteria • Ability to perform the function if the contractor fails to perform or terminates the contract 	<p>If performed internally then:</p> <p>A sub section should exist with:</p> <ul style="list-style-type: none"> • At least one qualified environmental health officer and or enforcement officer • Equipment and infrastructure necessary for the pounds function • Budget allocation in the operating budget estimates <p>If performed externally:</p> <ul style="list-style-type: none"> • Contracts manager to prepare and monitor the service level agreement • Legal department for ensuring legal compliance • Finance controls to ensure payment is against performance 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • The function is performed internally or externally • The performance of the function is in the municipality's IDP <p>If internally, determine whether:</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality's organogram • It has sufficient staff to perform the function for the whole municipal area • It has a budget allocation for the pounds function in the operating estimates • It has equipment and infrastructure for monitoring the pounds function <p>If externally then:</p> <ul style="list-style-type: none"> • A service level agreement is in place with the external service provider • Mechanisms are in place to ensure contract performance • If relevant, an estimate is in the operating budget for financing the function

FUNCTION: PUBLIC PLACES (Local Function)

Definition – Public places

“Public places” means:

The management, maintenance and control of any land or facility owned by the municipality for public use

Function ranking:

Public places	Coastal - 3	Inland - 3
Public places	Predominately urban - 3	Predominately rural - 3

Roles and Responsibilities – Public places**National Responsibility:**

In terms of Section 44(2) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 5 when it is necessary for

- national security,
- economic unity,
- establishing essential national standards,
- instituting minimum standards in respect of service delivery, and
- preventing unreasonable action taken by a province which prejudices another province or the country as a whole.

National government must therefore with regards to public places, subject to subsection (2):

- Determine if there is existing legislation and its current applicability and constitutionality;
 - Determine the need for a review of such legislation or the drafting of new legislation.
 - Pass the appropriate legislation
- In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which by implication, includes the	<ul style="list-style-type: none"> ● To build the capacity of the local municipalities in its area to perform this function where capacity is lacking ● Perform this function in the DMA area as per the responsibilities listed for the 	<ul style="list-style-type: none"> ● Must exercise any power concerning, or incidental to, the effective performance of this function ● Determine a service delivery mechanism for the performance of the function

<p>enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> • Determine if there is existing legislation and its current applicability and constitutionality • Determine the need for a review of such legislation or the drafting of new legislation • Build the capacity of municipalities to perform this function • Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function • Adjust the performance of the function to the district municipality if there is a lack of capacity and if the MDB so recommends • Ensure that the performance of this function is addressed in the municipality's IDP 	<p>local municipalities contained in the table</p> <ul style="list-style-type: none"> • If authorized by the MEC or legislation is enacted to redefine this function e.g. as part of municipal health services 	<p>(internal or external)</p> <ul style="list-style-type: none"> • If performed internally, develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Ensure coordination with related functions such as licensing and control of undertakings that sell food to the public, and municipal public transport
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Minimum Level of Service – Public places

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>If performed internally:</p> <p>The municipality should have the ability to:</p> <ul style="list-style-type: none"> • Establish by laws for the management and maintenance of public places • Develop a strategy for the provision and maintenance of public places • Enforce the by laws <p>If performed externally:</p> <ul style="list-style-type: none"> • Perform the authority role linked to the public places function • Ability to undertake a section 78 investigation if required, in terms of section 77 of the Municipal Systems Act • Prepare a service level agreement which includes performance criteria • Ability to perform the function if the contractor fails to perform or terminates the 	<p>If performed internally then:</p> <p>A sub section often linked to the parks and recreations department with:</p> <ul style="list-style-type: none"> • At least one foreman or middle manager • General workers for maintenance purposes • Equipment and infrastructure necessary for public places function • Budget allocation in the operating budget estimates <p>If performed externally:</p> <ul style="list-style-type: none"> • Contracts manager to prepare and monitor the service level agreement • Legal department for ensuring legal compliance • Finance controls to ensure payment is against performance 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • The function is performed internally or externally • The performance of the function is in the municipality's IDP <p>If internally, determine whether:</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality's organogram • It has sufficient staff to perform the function for the whole municipal area • It has a budget allocation for the public places function in the operating estimates • It has equipment and infrastructure for the public places function <p>If externally then:</p> <ul style="list-style-type: none"> • A service level agreement is in place with the external service provider • Mechanisms are in place to ensure contract performance • If relevant, an estimate is in

contract		the operating budget for financing the function
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FUNCTION: REFUSE REMOVAL, REFUSE DUMPS AND SOLID WASTE DISPOSAL (Shared Function)

Definition – Refuse removal, refuse dumps and solid waste disposal

“Refuse removal, refuse dumps and solid waste disposal”

Refuse removal, refuse dumps and solid waste disposal means the removal of any household or other waste and the disposal of such waste in an area, space or facility established for such purpose, and includes the provision, maintenance and control of any infrastructure or facility to ensure a clean and healthy environment for the inhabitants of a municipality

In relation to the District municipality it means:

Solid waste disposal sites, in so far as it relates to-

- (i) *the determination of a waste disposal strategy for the district as a whole;*
- (ii) *the regulation of waste disposal strategy for the district as a whole;*
- (iii) *the establishment, operation and control of waste disposal sites, bulk waste transfer facilities and waste disposal facilities for more than one local municipality in the district.*

In relation to the Local Municipality it means:

- (i) The determination of a waste disposal strategy for the local municipality only
- (ii) The regulation of local waste disposal for the local municipality only
- (iii) The collection and removal of waste and transporting to a local waste disposal site, bulk transfer facility and district waste disposal site
- (iv) The establishment, operation and control of waste disposal sites, bulk waste transfer facilities and waste disposal facilities for the local municipality only

Function ranking:

Refuse removal, refuse dumps and solid waste disposal	Coastal - 1	Inland - 1
Refuse removal, refuse dumps and solid waste disposal	Predominately urban - 1	Predominately rural- 1

Roles and Responsibilities – Refuse removal, refuse dumps and solid waste disposal

National Responsibility:

In terms of Section 44(2) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 5 when it is necessary for

- national security,
- economic unity,
- establishing essential national standards,
- instituting minimum standards in respect of service delivery, and
- preventing unreasonable action taken by a province which prejudices another province or the country as a whole.

National government must therefore with regards to refuse removal, refuse dumps and solid waste disposal, subject to subsection (2):

- Determine if there is existing legislation and its current applicability and constitutionality;
- Determine the need for a review of such legislation or the drafting of new legislation.
- Pass the appropriate legislation

Provincial Responsibility	District Responsibility	Local Responsibility
<p>In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which, by implication, includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> • Determine if there is existing legislation and its current applicability and constitutionality • Determine the need for a review of such legislation or the drafting of new legislation • Build the capacity of municipalities to perform this function • Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function • Adjust the performance of the function to the district municipality if there is a lack of capacity and if the MDB so recommends • Ensure that the performance of this function is addressed 	<p>Must exercise any power concerning, or incidental to, solid waste disposal sites, in so far as it relates to:</p> <ul style="list-style-type: none"> (i) the determination of a waste disposal strategy; (ii) the regulation of waste disposal; (iii) the establishment, operation and control of waste disposal sites, bulk waste transfer facilities and waste disposal facilities for more than one local municipality in the district. <ul style="list-style-type: none"> • Determine a service delivery mechanism for the performance of the function (internal or external) • If performed internally, develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Build the capacity of the local municipalities in its 	<ul style="list-style-type: none"> • Must exercise any power concerning, or incidental to, the effective performance of this function in its area • Determine a service delivery mechanism for the performance of the function (internal or external) • If performed internally, develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Perform the function for the district if authorized by the MEC • Establish, operate and control solid waste disposal sites that serve the area of the local municipality • Excludes regulation of waste disposal

<p>in the municipality's IDP</p> <p>As solid waste removal?? is a concurrent national and provincial competence, provinces must investigate as to whether this function can most effectively be administered locally and as to whether a municipality has the capacity to administer it, if so, the function must be assigned to the municipality by agreement and subject to any conditions as provided for in section 156(4) of the Constitution.</p> <p>If the split between the provincial and local competencies in respect of this function is to be maintained, a clear delineation of responsibilities is required.</p>	<p>area to perform the local function where capacity is lacking</p> <ul style="list-style-type: none"> • Perform the local function if authorized by the MEC 	<ul style="list-style-type: none"> • Ensure coordination with related functions such as local economic development and public places.
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Minimum Level of Service – Refuse removal, refuse dumps and solid waste disposal

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>If performed internally:</p> <p>The municipality should have the ability to provide:</p> <ul style="list-style-type: none"> • Appropriate education in respect solid waste • A strategy for the establishment, operation and control of waste disposal • At least one solid waste site at the regional level – ie district (<i>District</i>) • 1ha per 2500 households – for local municipality refuse sites (<i>Local</i>) • Planning abilities in terms of human and financial resources • Set the solid waste tariffs • Draft and implement a credit control policy • Draft and implement an indigent policy • Address the service backlogs within the area of registration <p>NOTE: The authority responsibilities for the rendering of the solid waste function MAY NOT be performed by an external service provider.</p>	<p><i>District Municipality</i></p> <p>There should be a Solid Waste department which could be a sub section of the technical services department/ cluster with:</p> <ul style="list-style-type: none"> • At least one qualified solid waste engineer in a management position • Middle management and general workers for maintenance purposes at waste disposal sites, bulk waste transfer facilities and waste disposal facilities • Equipment and infrastructure necessary for the function • Budget allocation operating estimates for both income and expenditure • Capital budget allocation for addressing backlogs (if applicable) • Planning ability in terms of funding and human resources to extend service to whole area of the municipality <p>If performed externally:</p> <ul style="list-style-type: none"> • Contracts manager with technical knowledge to prepare and monitor the 	<p><i>District and local municipality:</i></p> <p>MDB will assess if:</p> <ul style="list-style-type: none"> • The function performed internally or externally • The performance of the function is in the municipality's IDP <p>If internally, determine whether:</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality's organogram • It has sufficient staff to perform the function for the whole municipal area • There are operating budget estimates for income and expenditure of the current financial year • The actual income and expenditure for the previous financial year is available • The municipality has equipment and infrastructure for performing the solid waste function and related aspects <p>If externally then:</p> <ul style="list-style-type: none"> • A service level agreement is in place with the external service provider • Mechanisms are in place to ensure contract performance

<p>If performed externally the municipality must at least:</p> <ul style="list-style-type: none"> • Perform the authority role linked to the solid waste functions • Ability to undertake a section 78 investigation if required by section 77 of the Municipal Systems Act • Prepare a service level agreement which includes performance criteria • Ability to perform the function if the contractor fails to perform or terminates the contract 	<p>service level agreement</p> <ul style="list-style-type: none"> • Legal department for ensuring legal compliance • Financial management to facilitate the setting of tariffs. <p><i>Local Municipality:</i></p> <p>If performed internally, the local municipality should have:</p> <p>A Solid Waste department which could be a sub section of the technical services department/ cluster with:</p> <ul style="list-style-type: none"> • At least one qualified solid waste engineer in a management position • Middle management and general workers for maintenance purposes • Equipment and infrastructure necessary for the function • Budget allocation operating estimates for both income and expenditure • Capital budget allocation for addressing backlogs (if applicable) • Planning ability in terms of funding and human resources to extend service to whole area of the municipality • Ability to undertake community outreach programmes and the management of a customer-care centre • Mechanisms for the provision of health and hygiene education to communities <p>If performed externally:</p> <ul style="list-style-type: none"> • Contracts manager with technical knowledge to prepare and monitor the service level agreement • Legal department for ensuring legal compliance • Financial management to facilitate the setting of tariffs 	
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FUNCTION: STREET TRADING (Local Function)

Definition – Street trading

Street trading means:

The control, regulation and monitoring of the selling of goods and services along a public pavement, road reserve and other public places but excluding the following:

- *Fresh produce markets as defined above.*

Function ranking:

Street trading	Coastal - 2	Inland - 2
Street trading	Predominately Urban - 2	Predominately rural - 2

Roles and Responsibilities – Street trading**National Responsibility:**

In terms of Section 44(2) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 5 when it is necessary for

- national security,
- economic unity,
- establishing essential national standards,
- instituting minimum standards in respect of service delivery, and
- preventing unreasonable action taken by a province which prejudices another province or the country as a whole.

National government must therefore with regards to street trading, subject to subsection (2):

- Determine if there is existing legislation and its current applicability and constitutionality;
 - Determine the need for a review of such legislation or the drafting of new legislation.
 - Pass the appropriate legislation
- In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which, by implication, includes the enactment of legislation on municipal functions.	<ul style="list-style-type: none"> • To build the capacity of the local municipalities in its area to perform this function where capacity is lacking • Perform this function in the DMA area as per the responsibilities listed for the local municipalities contained in the table • If authorized by the MEC or 	<ul style="list-style-type: none"> • Must exercise any power concerning, or incidental to, the effective performance of this function. • Determine a service delivery mechanism for the performance of the function (internal or external) • If performed internally, develop or maintain the

<p>A provincial government must therefore:</p> <ul style="list-style-type: none"> • Determine if there is existing legislation and its current applicability and constitutionality • Determine the need for a review of such legislation or the drafting of new legislation • Build the capacity of municipalities to perform this function • Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function • Adjust the performance of the function to the district municipality if there is a lack of capacity and if the MDB so recommends • Ensure that the performance of this function is addressed in the municipality's IDP 	<p>legislation is enacted to redefine this function e.g. as part of municipal health services</p>	<p>capacity to perform the function</p> <ul style="list-style-type: none"> • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Ensure coordination with related functions such as local economic development, and municipal roads
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Minimum Level of Service – Street trading

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>If performed internally:</p> <p>The municipality should have the ability to:</p> <ul style="list-style-type: none"> • Prepare by laws for the street trading function which are compliant with national and provincial legislation • Put a programme in place to deal with spatial guidelines for street trading, health and sanitary conditions, promotion of local economic development, licensing and management of their conduct linked to the IDP • Undertake the enforcement of by laws <p>If performed externally:</p> <ul style="list-style-type: none"> • Perform the authority role linked to for the street trading function • Ability to undertake a section 78 investigation • Prepare a service level agreement which includes performance criteria • Ability to perform the function if the contractor fails 	<p>If performed internally then:</p> <p>A sub section often linked to the municipal planning department should have:</p> <ul style="list-style-type: none"> • At least one qualified planner and or enforcement officer • Equipment and infrastructure necessary for the street trading function • Budget allocation in the operating budget estimates <p>If performed externally:</p> <ul style="list-style-type: none"> • Contracts manager to prepare and monitor the service level agreement • Legal department for ensuring legal compliance • Finance controls to ensure payment is against performance 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • The function is performed internally or externally • The performance of the function is in the municipality's IDP <p>If internally, determine whether:</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality's organogram • It has sufficient staff to perform the function for the whole municipal area • It has a budget allocation for the street trading function in the operating estimates • It has equipment and infrastructure for the street trading function <p>If externally then:</p> <ul style="list-style-type: none"> • A service level agreement is in place with the external service provider • Mechanisms are in place to ensure contract performance • If relevant, an estimate is in the operating budget for financing the function

to perform or terminates the contract		
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FUNCTION: STREET LIGHTING (Local Function)

Definition – Street lighting

Street lighting means:

The provision and maintenance of lighting for the illuminating of streets

Function ranking:

Street lighting	Coastal - 2	Inland - 2
Street lighting	Predominately urban- 2	Predominately rural - 3

Roles and Responsibilities – Street lighting

National Responsibility:

In terms of Section 44(2) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 5 when it is necessary for

- national security,
- economic unity,
- establishing essential national standards,
- instituting minimum standards in respect of service delivery, and
- preventing unreasonable action taken by a province which prejudices another province or the country as a whole.

National government must therefore with regards to street lighting, subject to subsection (2):

- Determine if there is existing legislation and its current applicability and constitutionality;
 - Determine the need for a review of such legislation or the drafting of new legislation.
 - Pass the appropriate legislation
- In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which, by	<ul style="list-style-type: none"> ● To build the capacity of the local municipalities in its area to perform this function where capacity is lacking ● Perform this function as per the listing under local 	<ul style="list-style-type: none"> ● Must exercise any power concerning, or incidental to, the effective performance of this function. ● Determine a service delivery mechanism for the

<p>implication, includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> • Determine if there is existing legislation and its current applicability and constitutionality • Determine the need for a review of such legislation or the drafting of new legislation • Build the capacity of municipalities to perform this function • Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function • Adjust the performance of the function to the district municipality if there is a lack of capacity and if the MDB so recommends • Ensure that the performance of this function is addressed in the municipality's IDP 	<p>municipality within the DMA area if applicable to district or when so authorized by the MEC or legislation</p>	<p>performance of the function (internal or external)</p> <ul style="list-style-type: none"> • If performed internally, develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Ensure coordination with related functions such as public places
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Minimum Level of Service – Street lighting

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>If applicable and performed internally:</p> <p>The municipality should have the ability to:</p> <ul style="list-style-type: none"> • Provide and maintain street lighting linked to road classification <p>If performed externally:</p> <ul style="list-style-type: none"> • Perform the authority role linked to the street lighting function • Ability to undertake a section 78 investigation, if required, by section 77 of the Municipal Systems Act • Prepare a service level agreement which includes performance criteria • Ability to perform the function if the contractor fails to perform or terminates the contract 	<p>If performed internally then:</p> <p>There should be a sub section possibly linked to the roads function with:</p> <ul style="list-style-type: none"> • At least a middle manager or an engineering technician • Equipment and infrastructure necessary for the street lighting function • Budget allocation in the operating budget estimates <p>If performed externally:</p> <ul style="list-style-type: none"> • Contracts manager to prepare and monitor the service level agreement • Legal department for ensuring legal compliance • Finance controls to ensure payment is against performance 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • The function is performed internally or externally • The performance of the function is in the municipality's IDP <p>If internally, determine whether:</p> <ul style="list-style-type: none"> • Post/s are identified in the municipality's organogram • It has sufficient staff to perform the function for the whole municipal area • It has a budget allocation for the street lighting function in the operating estimates • It has equipment and infrastructure for monitoring the street lighting function <p>If externally then:</p> <ul style="list-style-type: none"> • A service level agreement is in place with the external service provider

		<ul style="list-style-type: none"> • Mechanisms are in place to ensure contract performance • If relevant, an estimate is in the operating budget for financing the function
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FUNCTION: TRAFFIC AND PARKING (Local Function)

Definition – Traffic and parking

Traffic and parking means:

The management and regulation of traffic and parking within the area of the municipality including but not limited to, the control over operating speed of vehicles on municipal roads but excluding any provincial competences as specified in legislation.

Function ranking:

Traffic	Coastal - 1	Inland - 1
Parking	Coastal - 3	Inland - 3
Traffic	Predominately Urban- 1	Predominately rural- 1
Parking	Predominately Urban - 2	Predominately rural- 3

Roles and Responsibilities – Traffic and parking

National Responsibility:

In terms of Section 44(2) of the Constitution national government may pass legislation with regard to any matter within a functional area listed in Schedule 5 when it is necessary for

- national security,
- economic unity,
- establishing essential national standards,
- instituting minimum standards in respect of service delivery, and
- preventing unreasonable action taken by a province which prejudices another province or the country as a whole.

National government must therefore with regards to traffic and parking, subject to subsection (2):

- Determine if there is existing legislation and its current applicability and constitutionality;
- Determine the need for a review of such legislation or the drafting of new legislation.
- Pass the appropriate legislation

- In terms of Section 85 of the Municipal Structures Act (117 of 1998) the MEC for local government in the province can adjust the performance of the function between the local and district municipalities after taking into consideration capacity constraints in the administrations.

Provincial Responsibility	District Responsibility	Local Responsibility
<p>In terms of section 104(1)(b)(i) and (ii), the provincial legislature has the power to pass legislation with regard to any matter within the functional areas listed in schedules 4 and 5 which, by implication, includes the enactment of legislation on municipal functions.</p> <p>A provincial government must therefore:</p> <ul style="list-style-type: none"> • Determine if there is existing legislation and its current applicability and constitutionality • Determine the need for a review of such legislation or the drafting of new legislation • Build the capacity of municipalities to perform this function • Monitor the performance of the municipality in exercising its executive and legislative authority pertaining to this function • Adjust the performance of the function to the district municipality if there is a lack of capacity and if the MDB so recommends • Ensure that the performance of this function is addressed in the municipality's IDP 	<ul style="list-style-type: none"> • To build the capacity of the local municipalities in its area to perform this function where capacity is lacking • Perform this function in the DMA area as per the responsibilities listed for the local municipalities contained in the table • Perform the function in a local area if so authorized by the MEC or legislation 	<ul style="list-style-type: none"> • Must exercise any power concerning, or incidental to, the effective performance of this function. • Determine a service delivery mechanism for the performance of the function (internal or external) • If performed internally, develop or maintain the capacity to perform the function • Make provision for the function in the IDP • Make provision for this function in the operating budget • Include indicators in the performance management system • May make and administer bylaws in terms of section 156(2) of the Constitution • Ensure coordination with related functions such as local economic development, noise pollution and refuse removal.

Minimum Level of Service – Traffic and parking

Minimum Level of Service	Municipal Requirement	MDB Assessment
<p>Traffic</p> <p>Parking</p> <p>If performed internally:</p> <ul style="list-style-type: none"> • Ensure the availability of adequate public parking, whether metered or not 	<p>If performed internally then:</p> <p>There should be a Traffic and Parking department with:</p> <ul style="list-style-type: none"> • Qualified traffic officers • Equipment and infrastructure necessary for traffic and parking function 	<p>MDB will assess if:</p> <ul style="list-style-type: none"> • The function is performed internally or externally • The performance of the function is in the municipality's IDP <p>If internally, determine whether:</p>

<ul style="list-style-type: none"> • Ensure adequate availability of parking spaces for loading zones, taxis, buses, emergency vehicles and disability parking <p>If performed externally:</p> <ul style="list-style-type: none"> • Perform the authority role linked to the parking function • Ability to undertake a section 78 investigation, if required, by section 77 of the Municipal Systems Act • Prepare a service level agreement which includes performance criteria • Ability to perform the function if the contractor fails to perform or terminates the contract <p>Traffic</p> <ul style="list-style-type: none"> • Ensure the efficient flow of traffic within the service area of the municipality particularly during peak periods • Quick response to traffic accidents or other obstructions to the flow of traffic 	<ul style="list-style-type: none"> • Budget allocation in the operating budget estimates <p>If performed externally:</p> <ul style="list-style-type: none"> • Contracts manager to prepare and monitor the service level agreement • Legal department for ensuring legal compliance • Finance controls to ensure payment is against performance 	<ul style="list-style-type: none"> • Post/s are identified in the municipality’s organogram • It has sufficient staff to perform the function for the whole municipal area • It has a budget allocation for the traffic and parking function in the operating estimates • It has equipment and infrastructure for traffic and parking and other related aspects of the function. <p>If parking function is provided externally then:</p> <ul style="list-style-type: none"> • A service level agreement is in place with the external service provider • Mechanisms are in place to ensure contract performance • If relevant, an estimate is in the operating budget for financing the function
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