

18 Augustus 2026

Mr K. Kumbe
Municipal Manager
JB Marks Local Municipality
35 Wolmarans Street
POTCHEFSTROOM
2531

By email: mmsecretary@jbmarks.gov.za
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Dear Mr Kumbe

FORMAL DEMAND FOR URGENT INTERVENTION: DETERIORATING MUNICIPAL SERVICES, INFRASTRUCTURE AND PUBLIC SAFETY IN POTCHEFSTROOM

AfriForum is a non-profit organisation with its main purpose the protection of the constitutional rights of its members and the communities to which our members belong. We act on behalf of our members residing in the JB Marks Local Municipality, specifically Potchefstroom, who gave AfriForum the mandate to address the deterioration of municipal services on their behalf.

AfriForum hereby formally records its grave concern regarding the continued and escalating deterioration of basic municipal services, infrastructure and general public safety in Potchefstroom.

The present condition of the city raises serious questions regarding the municipality's ability and willingness to fulfil its constitutional and statutory obligations towards residents. Section 152(1) of the Constitution of the Republic of South Africa, 1996, expressly provides that the objects of local government include ensuring the provision of services to communities in a sustainable manner and promoting a safe and healthy environment. Section 153 furthermore requires a municipality to structure and manage its administration, budgeting and planning processes in a manner that gives priority to the basic needs of the community.

AfriForum therefore requires the following matters to be addressed urgently:

1. SEWAGE SPILLAGES AND POLLUTION OF THE MOOI RIVER

AfriForum is deeply concerned about the numerous sewage spillages occurring throughout Potchefstroom, including the discharge of sewage into the Mooi River.

1.1 Botha Street pump station

At the Botha Street pump station, a substantial and continuous stream of raw sewage is currently flowing into the Mooi River in the vicinity where work is being undertaken on the pipelines. This situation is unacceptable and presents an obvious threat to the environment, public health and downstream water users.

The municipality is requested to provide AfriForum, in writing, with –

- the cause of the sewage discharge;

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Member Affairs – Email: ledesake@afriforum.co.za • **Directors:** Ms A. Bailey, Mr P.J.W. Buys, Dr H.K. Coetzee, Mr P.L. Dekker, Mr F.J.D. de Klerk, Mr G.R. de Vries, Dr D.J. Hermann, Mr C.M. Kriel and Dr R. Pretorius. • **Company Secretary:** Mr W.A. Vogel.

Registration number: 2005/042861/08 • **NGO number:** 054 - 590

- the date on which the discharge commenced;
- details of the work currently being undertaken on the pipelines;
- the name of the contractor, if applicable;
- the anticipated completion date;
- details of all measures implemented to contain and remediate the pollution; and
- confirmation whether the incident has been reported to the relevant provincial and national authorities.

Section 19 of the **National Water Act 36 of 1998** imposes duties relating to the prevention and remedying of pollution of water resources. Section 28 of the **National Environmental Management Act 107 of 1998 (NEMA)** similarly establishes a duty of care in respect of significant pollution or environmental degradation.

AfriForum demands that the discharge of untreated sewage into the Mooi River be stopped as a matter of urgency and that appropriate rehabilitation and remediation measures be implemented.

1.2 Sewage overflowing from manholes on private properties

There are numerous locations throughout Potchefstroom where sewage is overflowing from municipal manholes, including manholes situated on or adjacent to residents' properties. In certain instances, the pressure is reportedly sufficient to lift manhole covers, resulting in sewage entering residential properties.

This exposes residents to unacceptable health and environmental risks and may cause damage to private property. AfriForum demands an urgent inspection of affected sewer lines and a written maintenance and repair programme for identified problem areas.

1.3 Parys Avenue

AfriForum has been engaging the municipality regarding the recurring sewage problem in Parys Avenue since 2024. In an effort to assist residents, AfriForum and residents installed a temporary pipe at the affected location. The underlying problem has, however, returned because a permanent municipal solution has still not been implemented. It is particularly concerning that the municipality appears to move from one contractor to another without the underlying problem being permanently resolved.

AfriForum therefore requires answers to the following:

1. Why has the Parys Avenue sewage problem still not been permanently resolved after approximately two years?
2. How many contractors have been appointed to work on this problem since 2024?
3. What amounts were awarded and/or paid to each contractor?
4. What work was each contractor required to perform?
5. Was the work completed according to specification? If not, what steps were taken against the relevant contractor?
6. Are any contractors currently awaiting payment by the municipality and, if so, why?
7. Why is the municipality unable to perform the necessary work internally if contractors are repeatedly unable to resolve the problem?
8. When will a competent service provider, where required, be appointed and enabled to complete the work permanently?

1.4 Preventive sewer maintenance

AfriForum further requires clarity regarding the municipal team that previously undertook the regular cleaning and maintenance of sewer lines.

Regular preventive maintenance can significantly reduce blockages, overflows and infrastructure failures.

The municipality must therefore explain –

- whether such a team still exists;
- how frequently sewer lines are currently cleaned;
- what preventive maintenance programme is in place;
- which high-risk sewer lines have been identified; and
- what budget and equipment are allocated to preventive sewer maintenance.

The **Water Services Act 108 of 1997**, read with the constitutional duties of local government and the **Local Government: Municipal Systems Act 32 of 2000**, requires municipal services to be provided in an effective and sustainable manner. The continued recurrence of the same sewage failures raises serious concerns about compliance with these obligations.

2. ELECTRICITY SUPPLY AND ESCALATING POWER OUTAGES

Residents are increasingly concerned about the frequency and duration of electricity outages in Potchefstroom. From the community's perspective, the pattern of failures creates the impression that adequate preventive maintenance is not being undertaken and that technical staff may not always have the necessary equipment, spare parts and resources to perform repairs efficiently.

Electricity reticulation is a local government function under Schedule 4B of the Constitution, while municipal electricity distribution also operates within the regulatory framework established by the **Electricity Regulation Act 4 of 2006**.

AfriForum requires the municipality to disclose the following:

1. What are the primary causes of the increasing number of electricity outages?
2. What preventive maintenance programme is currently implemented on the electricity distribution network?
3. What percentage of the relevant maintenance budget has been spent during the current financial year?
4. Do municipal technicians have sufficient vehicles, tools, equipment and spare parts to perform their duties effectively? If not, why not?
5. What critical electrical components or equipment are currently out of stock?
6. What is the municipality's average response and repair time for electricity failures?
7. What measures are being implemented to reduce prolonged outages?
8. How many incidents of cable theft have been recorded during the past 12 months?
9. Are all incidents of suspected cable theft reported to the South African Police Service and are criminal cases opened?
10. What measures are being implemented to protect vulnerable municipal electrical infrastructure against theft and vandalism?

Municipal employees on the ground cannot reasonably be expected to deliver an effective service if they are not supplied with the resources, equipment and materials necessary to perform their duties. The municipality's administration and political leadership must take responsibility for ensuring that these employees are properly equipped and that residents receive the services for which they pay.

3. POTHoles, ROAD MARKINGS, TRAFFIC SIGNS AND TRAFFIC LIGHTS

The condition of numerous roads in Potchefstroom is unacceptable. Potholes have become widespread, and where repairs are undertaken, many appear not to last for a reasonable period.

AfriForum previously offered assistance to get the municipal asphalt plant operational so that pothole repairs could be undertaken. The offer was declined on the basis that the municipality would attend to the matter itself.

AfriForum therefore requires written confirmation of the following:

- Whether the asphalt plant is currently operational. If so, the date on which it became operational.
- The plant's current production capacity.
- How much asphalt has been produced during the past three months.
- How many potholes have been repaired during this period.
- Why large numbers of potholes remain unrepaired.
- What quality control measures are applied to pothole repairs.

If municipal employees require further technical training to perform durable road repairs, AfriForum demands that such training be provided.

Traffic signs and traffic signals

There are numerous intersections where traffic signs are missing or damaged. There are also traffic lights where one or more signal heads are not operational.

This creates an obvious road safety hazard, particularly for motorists unfamiliar with Potchefstroom. Traffic control devices exist for a reason. Missing signs and defective traffic signals compromise the predictable and safe movement of traffic through intersections. AfriForum demands that the municipality conduct an urgent audit of all major intersections and provide a programme with deadlines for the repair or replacement of defective or missing traffic control devices.

Road markings

Road markings have become almost completely invisible in numerous streets and at intersections. The situation becomes particularly dangerous at night, especially where streetlights also are defective. Speed humps are also difficult to identify where their markings have faded, particularly under poor lighting conditions or where shadows obscure them.

The municipality is requested to provide a schedule for the repainting and maintenance of road markings, intersections, pedestrian crossings, stop lines and speed humps throughout Potchefstroom.

4. STREETLIGHTS

There are entire streets and sections of Potchefstroom where virtually no streetlights are operational.

Of particular concern is the section between Mooirivier Mall and the Trim Park, where the absence of functional streetlighting, combined with potholes and faded or absent road markings, creates an extremely unsafe environment. Motorists are expected to navigate roads where they cannot adequately see potholes, road markings or other hazards.

AfriForum requires the municipality to explain the following:

1. Why are so many streetlights currently not operational?
2. Is the problem caused by cable theft, vandalism, defective infrastructure, inadequate maintenance, a shortage of components, or a combination thereof?
3. When was the last comprehensive audit of streetlighting undertaken?
4. How many defective streetlights are currently recorded?
5. What is the repair backlog?
6. What is the municipality's timeframe for restoring streetlighting in affected areas?

This is not merely an aesthetic issue. It directly affects road safety, pedestrian safety and the security of residential and commercial areas.

5. GENERAL NEGLECT, OVERGROWN PUBLIC AREAS AND UNLAWFUL OCCUPATION

The general appearance and maintenance of Potchefstroom have deteriorated substantially. Grass and vegetation are overgrown in numerous public areas and, in some instances, obstruct motorists' lines of sight at intersections. Public open spaces that are not maintained also become vulnerable to unlawful occupation, illegal dumping, fires and criminal activity. AfriForum has observed people residing or sleeping under numerous bridges and in neglected open areas. AfriForum recognises that homelessness is a complex social issue and that individuals may not simply be removed unlawfully.

Section 26 of the Constitution and the **Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 (PIE)** regulate evictions from occupied land. Where eviction may result in homelessness, the courts must consider whether the eviction is just and equitable, including the availability of alternative or temporary accommodation. Municipal housing obligations may consequently arise. The existence of these constitutional provisions, however, does not entitle the municipality to ignore unsafe occupation of public spaces indefinitely.

AfriForum therefore requires the municipality to –

- identify municipal land and structures that are being unlawfully occupied;
- investigate the circumstances of the affected persons;
- enforce applicable municipal by-laws through lawful procedures;
- institute appropriate legal proceedings where required;
- involve the municipality's social development and housing functions;
- develop lawful solutions for persons who may require emergency or alternative accommodation; and
- ensure that bridges, road reserves, parks and other public infrastructure remain safe and accessible to the public.

The municipality is requested to provide AfriForum with its current policy and action plan for addressing homelessness and unlawful occupation of municipal property.

6. OVERGROWN VEGETATION, FIRE RISK, WASTE AND MUNICIPAL CLEANLINESS

Neglected vegetation and public open spaces create additional fire, safety and environmental risks. AfriForum is concerned that fires are regularly associated with neglected areas and informal occupation.

The municipality therefore is requested to provide details of –

- its programme for cutting grass and maintaining municipal open spaces;
- its programme for clearing vegetation that obstructs visibility at intersections;
- measures to reduce fire risks in municipal open spaces;
- the operational readiness of the municipal fire service;
- the number of operational firefighting vehicles;
- the number of firefighting vehicles currently out of service and the reasons therefor; and
- the municipality's plans to ensure adequate emergency response capacity.

Municipal waste management duties are also regulated by the National Environmental Management: Waste Act 59 of 2008. Section 9 specifically requires municipalities to perform their waste service duties in accordance with applicable norms and standards and to ensure sustainable services through effective and efficient management.

7. AREA BEHIND MOOIRIVIER MALL OPPOSITE McDONALD'S

AfriForum specifically requests the municipality to urgently attend to the bushes, vegetation and large rocks on the corner behind MooiRivier Mall, opposite McDonald's.

The area has become a gathering point where young people reportedly sit, smoke and litter, while the overgrowth and physical condition of the site contribute to an unsafe and neglected environment. AfriForum demands that the municipality inspect the site immediately and take appropriate steps to clear and secure the area.

Should the municipality fail to provide, within seven (7) days of receipt of this letter, a reasonable plan and timeframe for attending to this specific site, AfriForum reserves the right to consider undertaking appropriate clean-up work itself, subject to the necessary legal permissions, and to pursue recovery of reasonable costs from the municipality where legally permissible.

CONCLUSION AND FORMAL DEMAND

The above matters cannot be viewed in isolation. When sewage repeatedly enters streets, residential properties and the Mooi River; electricity outages increase; roads deteriorate; traffic lights and streetlights remain defective; road markings disappear; public areas become overgrown; and basic maintenance is neglected, the cumulative result points to a serious failure of municipal governance and service delivery. The Constitution requires local government to provide services sustainably, promote a safe and healthy environment, and give priority to the basic needs of communities.

Residents of Potchefstroom are entitled to accountable municipal government and functioning basic services. They are also entitled to know how their municipal funds are being spent and why persistent infrastructure failures are not being permanently resolved. AfriForum therefore demands that the JB Marks Local Municipality provide, within ten (10) days of receipt of this letter, which is on 1 September 2026 –

1. a substantive written response to every issue and question raised above;
2. an urgent action plan identifying responsible departments and officials;
3. measurable deadlines for addressing each of the identified problems;
4. details of the budget and resources allocated to the relevant repairs and maintenance;
5. details of preventive maintenance programmes for sewage, electricity, roads and related municipal infrastructure; and
6. confirmation of the immediate interventions that will be implemented to address threats to public health, environmental integrity and public safety.

A generic acknowledgement of receipt or vague undertaking that the matters will receive attention will not constitute an adequate response. AfriForum expects concrete answers, accountable officials, measurable deadlines and visible action.

Should the municipality fail to respond meaningfully or take reasonable remedial action, AfriForum reserves all its rights to escalate individual matters to the appropriate provincial and national authorities, environmental and water regulators, energy regulators and oversight institutions and, where appropriate, to consider further legal remedies.

The present condition of Potchefstroom cannot be allowed to become the accepted standard of municipal governance. AfriForum trusts that the JB Marks Local Municipality will treat this letter with the seriousness and urgency that the circumstances demand.

Kind regards

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