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Government Notices

RUNDU TOWN COUNCIL

No. 135

2008

STREET AND TRAFFIC REGULATIONS: LOCAL AUTHORITIES ACT, 1992

The Town Council of Rundu, after consultation with the Minister of Regional and Local Government, Housing and Rural Development, under section 94(1) of the Local Authorities Act, 1992 (Act No. 23 of 1992), and with the approval of the Minister of Works and Transport given under section 92 of the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999), has made the regulations set out in the Schedule.

C.K. KUDUMO
CHAIRPERSON

BY ORDER OF THE COUNCIL

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PART I PRELIMINARY PROVISIONS

Definitions

1. In these regulations, unless the context otherwise indicates, a word or an expression defined in the Act or in the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999) or the Road Traffic and Transport Regulations published under Government Notice No. 53 of 30 March 2001, has that meaning, and -

“animal”, includes livestock, birds, pets and other domesticated animals;

“approval” means the written approval of the person or authority concerned obtained prior to the event concerned or to the commission of the act approved or authorized by such approval;

“authorized officer” means a member of the Namibian Police Force as defined in the Police Act, 1990 (Act 19 of 1990), or any staff member authorised in writing by the Council to administer these regulations;

“building line” means a line parallel to a street or public place which may be determined by the Council and up to which the front of all buildings is built and beyond which no structures may encroach towards the street or public place concerned;

“Council” means the Town Council of Rundu;

“public parking area” means an area in the town area set aside by the Council and utilized by the public for the parking of vehicles;

“refuse dump” means any site set aside by the Council for the purpose of dumping refuse or waste;

“the Act” means the Local Authorities Act, (Act No. 23 of 1992);

“town area” means the area under the jurisdiction of the Council;

“town engineer” means the person appointed as town engineer or acting in such capacity for the Council, or his or her authorised deputy or assistant; and

“waste” means objects or substances discarded, abandoned, rejected or cast aside, and includes refuse.

PART II STREETS AND PUBLIC PLACES

Obstruction of streets and public places

2. (1) A person may not wilfully or negligently cause any obstruction, interference, nuisance or hinderance to a pedestrian or traffic in a street or public place -

- (a) by congregating with other people;
- (b) by sitting, lying down, loitering or committing other similar conduct;
- (c) with a vehicle, animal or other object; or

- (d) by trading or hawking, including the selling of newspapers, magazines or periodicals or any other things.

(2) A person may not carry a large object, pointed or edged tools, objects with such points or edges not properly protected, or any other package or thing which may injure, obstruct or inconvenience pedestrians in a street or public place, except for the purpose of loading or unloading a vehicle.

(3) Subject to the Hawker and Pedlar Regulations, if any, a person may not deposit, store or place any merchandise or other article in a street or public place longer than is reasonably necessary for loading it onto a vehicle for removal, or for its removal to some premises after having been unloaded from a vehicle.

(4) The Council may at any time remove any obstruction from a street or public place and no person may intentionally offer resistance to or interfere with the removal of that obstruction, and in the event of a vehicle forming such obstruction, section 107 of the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999), applies.

(5) A person, being the occupier of a shop on the street level, or of any other building abutting on a street or public place, may not allow a sidewalk in front of or adjacent to his or her premises to be or remain in any other than a clean or tidy condition, or to be littered or obstructed in any way.

(6) Where any building referred to in subregulation (5) is let in separate apartments as offices, dwelling rooms or shops or for any other purpose, the lessor concerned is deemed to be the occupier.

(7) Despite anything to the contrary in these regulations, the Council may allow informal trading on specified locations identified by the Council for such purposes and subject to such conditions as the Council may impose.

(8) Despite anything to the contrary in these regulations, a person erecting or repairing a building which abuts on a street may with the approval of the Council, and subject to such conditions as the Council may impose, which approval may be withdrawn at any time, deposit, place or store building material in a street while the work is in progress, but such person must -

- (a) at all times effectively safeguard against damage or injury to person or property;
- (b) ensure that not more than one third of the width of the street, and not more than the extent of the front of the building, may be taken up; and
- (c) remove all waste, debris and other materials and fencing immediately on completion of the work.

Tampering or interfering with, or damaging of property or works

3. (1) A person may not -

- (a) tamper or interfere with, or remove, destroy or damage any property of the Council;
- (b) interfere with or obstruct any works undertaken by the Council in the municipal area, or signs provided by the Council at the site of such works; or

- (c) wilfully destroy, pull down, obliterate, deface or alter the name board of a street, or the number of a house or other building set up by or under authority of the Council.

(2) The Council may recover from any person found guilty of the contravention of paragraph (c) of subregulation (1) the costs reasonably incurred by it in repairing the damage done to such name board or number by such person, or in replacing such name board or number.

Trees and other plants in streets and public places

4. (1) A person may not -

- (a) uproot or plant trees or other plants in a street or public place without the approval of the Council subject to any other law relating to the protection of trees and other plants, and subject to such conditions as the Council may impose;
- (b) damage or destroy trees or other plants planted by the Council in a street or public place or remove any protection provided for such trees or other plants;
- (c) cut, remove, damage or destroy trees, wood, turf, soil or grass from or on any town land, street or public place without the approval of the Council, subject to any other law relating to the protection of trees and other plants and subject to such conditions as the Council may impose;
- (d) allow any part of a tree or other plant growing on land of which he or she is the owner or occupier -
 - (i) to obtrude into or hang over a street or in any other manner to cause an obstruction to traffic, or to be a source of danger or inconvenience to a person using such street; or
 - (ii) to cause damage to or to obstruct access to electrical cables, sewers or other services or installations supplied by the Council.

(2) Subject to any other law relating to the protection of trees or other plant, the Council, by written notice to the owner or occupier of any land referred to in subregulation (1)(d), may -

- (a) require the removal, within a time specified in such notice, of a tree or other plant, or any part thereof, growing on that land and causing such damage, inconvenience or obstruction; or
- (b) failing compliance with the requirements of the notice under paragraph (a), remove such tree or other plant or part thereof and recovers from that owner or occupier the reasonable costs of such removal.

(3) Subject to any other law relating to the protection of trees or other plants, the Council may, at any time, remove from a street or public place any tree or other plant causing obstruction.

Dangerous fences

5. (1) An owner of land within the town area may not erect or cause to be erected a fence composed either wholly or partly of barbed or razor blade wire, or any

other potentially dangerous fence, railing, wall or barrier abutting on a street without the approval of the Council given subject to such conditions as the Council may impose.

(2) If any fence referred to in subregulation (1), whether erected before or after the coming into force of these regulations, become potentially dangerous as a result of dilapidation or disrepair, the town engineer may by notice in writing require the owner of the land on which such a fence has been erected, to repair such fence to the satisfaction of the Council, or to remove such fence, within a period specified in that notice.

(3) If a person, after having received a notice referred to in subregulation (2), fails to comply with the notice within the period stated therein, the Council may repair or remove such fence, and may recover the reasonable costs of such repair or removal from such person.

Excavations in and removal of matter from town land, streets or public places

6. A person may not -

- (a) make, a hole, pit, trench or other excavation of any kind in a street or public place without the approval of the Council given subject to such conditions as the Council may impose; or
- (b) remove any earth, stone, gravel, shale or building material from any town land, street or public place without the approval of the Council, subject to such conditions or the payment of such fees as the Council may impose.

Dangers created on private property

7. (1) A person may not place any object or article on any balcony or in any upper window opening or on any window sill of any building abutting on a public place or street without sufficiently safeguarding it against being blown into or falling onto the public place or street.

(2) Unless with the approval of the Council given subject to such conditions as the Council may impose, a person may not hung or place a gate, trellis or door giving access to a street or public place in such a way that it opens towards the street or public place.

Animals

8. (1) A person may not -

- (a) in the town area wilfully frighten or harass any animal;
- (b) carry or convey through or along a street or public place the carcass of an animal or animal offal, unless the carcass or offal is properly covered with nontransparent material;
- (c) allow any livestock owned by him or her or which he or she ordinarily is in charge of, to be in the town area without the approval of the Council given subject to such conditions as the Council may impose.

(2) Subject to any other law relating to the protection of wild animals, a person may not within the town area keep a dangerous or potentially dangerous wild animal of any kind.

(3) Any wild animal contemplated in subregulation (2), found in the town area may, subject to any other law relating to the protection of wild animals, be destroyed or otherwise disposed of by an authorised officer.

Littering

9. (1) A person may not -

- (a) throw, spill, drop, deposit or place, or cause or permit to be thrown, spilled, dropped, deposited or placed in or on a street or public place any waste that may interfere with the cleanliness or tidiness of that street or public place, or cause annoyance or danger to any person, animal or traffic; or
- (b) convey any waste of whatever nature unless such waste is covered to such an extent that no environmental pollution or littering can take place.

(2) If a person contravenes subregulation (1), an authorized officer may instruct such person to immediately remove the waste concerned from the street or public place, failing which such waste may be removed by the Council and the costs of such removal reasonably incurred may be recovered by the Council from that person.

(3) A person may not throw or cause to be thrown from, in, on or about any street or public place any fireworks, crackers, or any other matter or thing, or use, explode or brandish or cause to be used, exploded or brandished in a street or public place anything whatsoever which may cause annoyance, loss, injury or danger to any person, animal or traffic.

Games

10. (1) A person may not -

- (a) roll any object or fly any kite, or throw a stone or use a bow and arrow or catapult, or by any other means discharge a missile upon, over or across a street or public place; or
- (b) play cards, dice or any other game whatsoever, including games of skill or games of chance, on or in a street or public place.

(2) Games of skill or games of chance may with the approval of the Council be staged or conducted by registered welfare organizations for the purpose of raising funds.

(3) For the purpose of these regulations, "game of chance" means any game by which a prize in money or in kind is or may be gained, won, drawn or competed for by lot, dice or any other method of change.

(4) A person may not use a roller-skate, skateboard or similar equipment in a street or public place.

Loitering

11. A person may not wilfully -

- (a) sit, lie, stand, or congregate in a street or public place or otherwise act in such a manner as to obstruct free traffic, or jostle or otherwise hinder any other person using the street, or obstruct the free movement of persons in such public place;

- (b) loiter near the entrance to a public place of assembly in such a manner as to obstruct the free movement of persons into or out of the public place of assembly; or
- (c) loiter within 100 metres from the premises of an institution for the care of aged or handicapped people, a school, hospital, church or any other similar institution.

Performance and gathering in streets or public places

12. (1) A person may not hold, convene or organise any performance or gathering in a street or public place without the approval of the Council given subject to such conditions as the Council may impose.

(2) A written application for an approval referred to in subregulation (1) must be submitted to the Chief Executive Officer not later than three working days prior to the proposed performance or gathering.

(3) An application for performance or gathering in street or public place must -

- (a) contain the full name and address of the convener or organiser of the proposed performance or gathering;
- (b) set out fully the purpose of the proposed performance or gathering; and
- (c) specify the date, time and place of the proposed performance or gathering and whether it is proposed to make use of any orchestra, musical instrument, loudspeaker or similar device which may create a public nuisance.

(4) On any occasion of public celebration, a public meeting or any other event likely to cause congestion in any street or public place, a person in or in the vicinity of such street or public place must obey the directions of any authorized officer as to the route to be followed by vehicle, animals or pedestrians, or as to any other matter which may be necessary for the avoidance, prevention or removal of an obstruction in such street or public place.

Nuisance

13. A person may not create a public nuisance in any street, public place or residential premises by -

- (a) shouting, quarrelling or fighting;
- (b) singing or playing any musical instrument, recorded music, a radio, television or similar device, or allowing it to be played or used;
- (c) using a loudspeaker, amplifier, public address system or similar device; (d) behaving in a riotous, violent or unseemly manner; or
- (e) repairing or operating vehicles or any other machinery in a noisy manner or using a lawnmower during the hours of 13:00 on a Sunday to 07:00 on the ensuing Monday.

Child selling or begging

14. (1) A child may not sell or offer for sale any goods, merchandise, article, service or thing whatsoever, in a public place or street without the approval of the Council given on such conditions as may be imposed, or beg for money or anything.

(2) A person may not cause or permit a child under his or her authority or control to sell or offer for sale any goods, merchandise, article, service or thing whatsoever, in a public place or street without the approval of the Council given on such conditions as may be imposed, or to beg for money or anything.

(3) For the purpose of this regulation "child" means any person under the age of 16 years.

Soliciting

15. A person may not in or in view of any street or public place solicit a person in any way for the purpose of prostitution.

Indecent behaviour

16. A person may not -

- (a) in or in view of any street or public place commit any indecent act, make any indecent gesture or conduct himself or herself in an indecent, unseemly, riotous or disorderly manner;
- (b) in or in view of a street or public place, paint, draw or in any manner make any indecent or obscene figure, writing, drawing or representation; or
- (c) in the town area sing any obscene song or use any profane language within hearing distance of any other person.

Street collections

17. A person may not in the town area, without the approval of the Council subject to such conditions as the Council may impose, collect money for charitable or any other purpose.

Display of articles and goods for sale

18. Subject to regulation 2(7), a person other than a duly licensed pedlar or hawker or some other person lawfully entitled to trade in a street or public place, may not in any street or public place exhibit for sale or otherwise display any article, object, item or thing whatsoever.

Miscellaneous

19. (1) A person may not discharge a fire-arm within the town area, except in the case of -

- (a) a fire-arm discharged during lawful target shooting or practice;
- (b) a fire-arm lawfully discharged in the defence of a person or property; (c) a fire-arm discharged on land used mainly for farming purposes; or (d) a fire-arm discharged in the execution of a person's lawful duty.

(2) For the purposes of this regulation, "fire-arm" means an "arm" as defined in the Arms and Ammunitions Act, 1996 (Act 7 of 1996), and includes a cannon, machine gun and machine rifle.

(3) A person may not hold an auction or sale in a street or public place, except with the approval of the Council and subject to such conditions as may be imposed.

(4) A person may not in any street or public place -

- (a) repair any vehicle, or any part thereof, except in the case of an accident or in other circumstances where such repairs are necessary before the vehicle can be removed;
- (b) wash, dry or bleach any article or thing whatsoever; or
- (c) allow the repair or wash of such vehicle or any part thereof or the washing, drying or bleaching of any such article or which such person is the owner or is lawfully in charge of.

(5) Despite subregulation (4), the Council may allow the repair or washing of vehicles or any part thereof or the washing, drying or bleaching of any article in an area determined by the Council.

(6) Any vehicle, article or thing found being repaired, washed, dried or bleached without the necessary approval of the Council contemplated in subregulation (5) may be seized by an authorised officer and disposed of pursuant to the provisions of the applicable law on criminal procedures.

(7) An owner of a building may not allow the water from the roof or from any part of such building, whether inside or outside thereof, to flow into or to fall onto any part of a street or public place otherwise than by suitable troughing or piping, or allow any such water to fall upon or to flow upon or over a sidewalk, but must cause it to be conveyed below the surface of such sidewalk into the gutter or water furrow of the street by means of pipes or other appliances in accordance with plans to be approved by the town engineer.

(8) A person may not wash himself or herself in or at a water furrow along a street, or in or at a reservoir, fountain, water trough, water pipe or tap in the town area.

Limitation of activities

20. The Council may display notices in conspicuous positions alongside of, in or on a street or public place informing the public of any prohibited or restricted or regulated activity.

Offences

21. A person who contravenes any provision of these regulations commits an offence and is liable to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

**PART III
TRAFFIC**

General provisions

22. (1) An authorised officer is empowered to enforce the regulations contained in this Part, and a person who disregards or refuses to obey any order or instruction given to him or her by the authorised officer under these regulations or in pursuance of orders or instructions given by the Council in connection therewith, commits an offence.

(2) The Council, at any time by notice given under the hand of the Chief Executive Officer and published in one or more newspapers circulating in the town area, may -

- (a) temporarily close a street for all traffic or for any specified class of traffic; or
- (b) temporarily or permanently restrict the traffic in any street to one specified direction only,

and any person using a street in contravention of such notice commits an offence.

(3) Despite subregulation (2), the Chief Executive Officer, without any resolution of the Council, may, by notice posted in a conspicuous position in any street, close a street or any portion thereof entirely or to any specified class or classes of traffic for such time as may be necessary for the purpose of -

- (a) repairing the same or carrying out any work whatsoever performed under the authority or with the approval of the Council;
- (b) public festivities or the serious illness of any resident therein; or
- (c) preventing the interference by noise with the proceedings of any court of law,

and any person using a street in contravention of the notice commits an offence.

(4) A procession of any kind, other than a funeral procession or a wedding procession or a procession for military or police purposes, may not pass along any street without the written permission of the Council, and then only under such conditions as the Council may impose, and any person taking part in or following any procession -

- (a) for which no permission has been obtained from the Council; or
- (b) not conforming to the conditions imposed by the Council where such permission has been given,

commits an offence.

(5) A person may not stand any motor vehicle abreast of any other motor vehicle in any street, or drive or attempt to drive any motor vehicle abreast of any other motor vehicle in any street, except when passing such other motor vehicle or when passing a public stand or parking place appointed under these regulations.

(6) In driving or propelling any motor vehicle and in riding or leading any animal the custom is to keeping to the left of the street allowing all other motor vehicles and livestock proceeding in the same direction to pass on the right hand, and all persons walking along any footpath must keep as near as possible to the right hand side thereof.

(7) In streets in which the Council has provided light-standards, island platforms or traffic signs in the centres of such streets, all vehicular or animal traffic must pass such light-standards, island platforms or traffic signs on the left-hand side thereof.

(8) Any person driving a motor vehicle or riding or leading an animal must comply with the direction of any authorised officer to stop as long as may be necessary, or to alter the direction in which he or she is moving in order to permit cross traffic or to prevent accident.

(9) Where traffic lights are erected for the control of traffic, the light indications are as follow:

Red: Vehicular traffic facing the signal must stop at the stop line and not enter the intersection, unless otherwise directed or shown by an authorised officer.

Green: Vehicular traffic facing the signal must proceed straight or to the left or right subject to due precaution being taken and also to any restricting traffic sign or signal given by an authorised officer.

Amber: Vehicular traffic facing the signal must stop at the stop line and not enter the intersection unless, when the amber first appears after the green the driver is so close to the intersection that a stop cannot safely be made behind the stop line, in such a case the driver may proceed cautiously through the intersection.

(10) If a person desires to turn his or her motor vehicle in any street, he or she must proceed to the intersection of a cross street and there turn his or her motor vehicle and proceed with the stream of traffic in accordance with the rule of the road, except as is laid down in subregulation (11), but nothing herein contained precludes the driver or rider of a motor vehicle from turning his or her vehicle in any street so as to face in the opposite direction at places where a gap is left in islands constructed in the middle of the street for the purpose of dividing approaching streams of traffic and such gap affords an unbroken road surface between the streams of traffic moving in opposite directions.

(11) A person who drives or rides any vehicle or leads animal drawn vehicle may not turn such vehicle so as to proceed in the opposite direction, if a no U-turn sign is displayed in such street, except a bicycle.

(12) A person turning to the right at the corner of any street with any vehicle or when riding any animal must do so from the side of the street in which he or she is travelling furthest from the corner to be turned.

(13) A driver or person in charge of any vehicle other than a pedal cycle may not, in any circumstances, drive or ride the vehicle on any street at a speed exceeding 60 kilometres per hour.

(14) A rider of any animal or pedal cycle may not in any circumstances ride or propel the same on any street at a speed exceeding 30 kilometre per hour, provided, however, that in the streets within the Town area the respective speed limit therein provided must apply.

(15) A person may not drive a motor vehicle in any street within the town area at a speed greater than the following speed limit in each particular case:

Passenger Vehicles (Including Motor Cycles)

- (a) If all the wheels are fitted with pneumatic tyres, not drawing a trailer, and constructed to carry not more than seven (7) persons (including the driver), 60 km/h.
- (b) If all wheels are fitted with pneumatic tyres, not drawing a trailer, and constructed to carry more than seven (7) persons including the driver, 60km/h.

Goods Vehicles

- (a) If all wheels are fitted with pneumatic tyres and the weight of the vehicle plus the rated carrying capacity does not exceed three 3000 kg, 60km/h.
- (b) If all the wheels are fitted with pneumatic tyres and the weight of the vehicle, plus the rated carrying capacity exceeds three 3000 kg, 40km/h.

(16) Despite anything to the contrary contained in these regulations, a driver of a vehicle may not at any place within the town area drive at a speed exceeding the speed limit shown on any notice board erected by the Council at such place, and every such driver must pay due attention to the warning signs erected by the Council.

(17) Immediately upon coming within view of any warning sign, a driver must adequately reduce the speed at which his or her motor vehicle is travelling and otherwise take steps adequately to control the movement of his or her motor vehicle whilst approaching that portion of a street or road referred to by such warning sign.

(18) Despite anything to the contrary contained in these regulations, every driver of a vehicle when turning a street corner must slow down and must drive at a speed which does not endanger the safety of any person, animal or thing whatsoever.

(19) Regulations 12, 13, 14, 15, 16, 17 and 18 do not apply to ambulances or to any fire engine of the Council.

(20) A person may not allow any animal or motor vehicle in his or her charge to stand across any street, or allow any animal or motor vehicle in his or her charge to stand anywhere in any street, except at the edge of a sidewalk and then only for as long as is necessary for mounting or dismounting in the case of an animal or for loading or unloading goods or for taking up or setting down passengers in the case of a motor vehicle.

(21) Nothing in this regulation may be construed as prohibiting the standing on parking places appointed by the Council of private motor vehicle and the standing on public stands appointed by the Council of motor vehicles plying for hire.

(22) A person may not allow any vehicle in his or her charge or under his or her control to stand or to be parked -

- (a) so as to obstruct any passage to the entrance to or exit from any garage or petrol filling stations;
- (b) within 10 metres from the building line of any cross street, provided always that, in streets designated as Stop Streets by means of lines or words painted

on such streets or by means of 'Stop' signs, vehicles must be brought to a standstill for a sufficient space of time to secure the right of way, despite the fact that the area may be a prohibited area for parking or standing;

- (c) in front of or across or obstructing the entrance to or exit from any property, or where a kerb is sloped, bridged or opened for such purpose;
- (d) within six metres from any road traffic sign other than a parking sign;
- (e) on bus stops demarcated by means of yellow or orange lines with the words "Bus Stop" painted within the demarcated area or a sign bearing such words, unless the vehicle is a town passenger bus or registered passenger bus in service;
- (f) in streets or portions of streets where parking is prohibited by the Council by means of signs posted in such streets or portions of streets bearing the words "No Parking" or within an area bearing such words and defined by yellow or orange lines painted on the street or kerb stone;
- (g) within or upon any area set apart as a public vehicle stand unless the vehicle is of the kind and class of public vehicle for which the stand is provided.

(23) In all streets or portions of streets other than those where parking is prohibited, parking is parallel and within the white lines where such exist or where there are no white lines then parking is parallel with the edge of the kerbstone or where there is no kerbstone, then on the edge of the carriage-way and parallel with the boundary line of the adjacent erf or plot or ground, with the left hand or near wheels in all cases not more than 45 cm from the edge of such kerbstone or of such carriage-way, and facing the direction in which the traffic is proceeding.

(24) Where the Council has caused white lines, broken or otherwise, to be painted on the surface of the street to indicate and control parking, vehicles are so parked that no part of such vehicle or any load carried by such vehicle encroaches upon or overlaps such white lines, nor encroaches upon an area enclosed within or indicated by yellow or orange coloured lines painted on the surface of the street or on the kerbstone and not more than one vehicle may be parked within a single parking space.

(25) A person, other than the Council or its authorised agent may not paint or make any white or yellow or orange coloured lines on the surface of any street or on any kerbstone.

(26) For the purposes of these regulations, a person in whose name any vehicle is licensed is deemed to be the person having control of such vehicle unless he or she proves the contrary.

(27) A proprietor of any motor garage or any person employed by or her may not use any street or any parking place or area for any trading, repair or other business purposes, but in case of a breakdown of a motor vehicle, urgent repairs may be attended to on the spot and then for no longer time than is necessitated by such emergency.

(28) The term "trading, repair and business purposes" for the purpose of subregulation (27), includes the parking in any street of any motor vehicle which is kept for sale or which may have been handed over to the owner of any garage or any of his or her employees for sale, repairs or for cleaning or overhaul.

(29) Except for the purpose of parking in a one-way street, a person may not drive, lead or ride any vehicle or animal diagonally across a street, or stop such vehicle or animal on his right-hand side of a street, i.e., the right-hand side facing approaching traffic, but where traffic is allowed in one direction only in any street (to be known as a one-way street), he or she is at liberty to stop such vehicle animal on either side of such street, facing the same direction, unless he or she is precluded from doing so in accordance with these regulations.

(30) A person may not allow any vehicle belonging to him or her or in his or her charge and drawn by any animal to be on or in any street without a driver and a leader, and such leader must be at the head of the animal and remain there during the whole time such vehicle is in a street.

(31) A person may not drive or cause or allow to be driven any motor vehicle fitted with tyres other than pneumatic tyres, but it is a defence in any prosecution for a contravention of this regulation if the person accused proves to the satisfaction of the Court that he or she was at the time engaged on the business of his or her employer and that such employer failed to provide the motor with pneumatic tyres.

(32) A person may not drive or use within the town area any animal drawn vehicle provided with india rubber tyres, unless a bell is attached either to such vehicle or to the animal or animals, if any, drawing it, and if such vehicle be drawn by an animal or animals such bell must be clearly audible whenever such vehicle is in motion, so as adequately to signal the approach of such vehicle.

(33) A person may not use or cause to be used for any purpose whatsoever any animal in an unfit condition.

(34) A person may not at night cause or permit any vehicle belonging to him or her or in his or her charge to proceed in any street, unless such vehicle is provided with two head lamps so constructed and placed as to exhibit white lights visible within reasonable distance from the front of the vehicle, and, in the case of a motor vehicle, unless such motor vehicle is further provided with a rear lamp so constructed and placed as to exhibit a red light visible within a reasonable distance from the back of the motor vehicle and as to illuminate and render easily distinguishable the distinctive mark and number of such motor vehicle, but a person owning or in charge of -

- (a) a motor cycle (unless the motor cycle has a side car attachment or any side attachment in which case it must be furnished with lamps so lighted and placed as aforesaid), pedal cycle, hand-cart, wheel-barrow or other like vehicle must provide the same with one lamp so constructed and placed as to exhibit a white light visible within a reasonable distance in the direction in which the motor cycle or vehicle is proceeding and also a sufficient light backwards to indicate the position of the motor cycle or vehicle to persons overtaking it from behind, or the motor cycle or vehicle must be provided with an additional lamp at the back;
- (b) a team of more than six animals whether drawing a vehicle or not must provide a leader who must carry in his or her hand a white light at the head of the team in addition to the lights required to be attached to the vehicle by this regulation;
- (c) a vehicle with a projecting load must attach a red light at the back of such load in addition to the lights required to be attached to the vehicle by this regulation;

- (d) a vehicle attached to and drawn behind another vehicle must attach two lamps, one to each side of each vehicle so drawn, so placed as to exhibit a white light visible within a reasonable distance in the direction in which the vehicle is proceeding, and must attach a lighted lamp at the back of the last vehicle so drawn; or
- (e) an extension trolley, as commonly used for the conveyance of timber, poles and piping, being a long wagon supported on two axles one of which is adjustable, or any vehicle without a body, must attach to the front axle two lamps, one on each side, just inside the wheel, one lamp on the wagon, midway between the two axles, and one lamp at the extreme end of the long wagon, or should any part of the load project beyond the end of the long wagon, then the lamp must be attached to the extreme end of the load.

(35) It is a defence in any prosecution for a contravention of subregulation (34) if the person accused proves to the satisfaction of the Court that he or she was at the time engaged on the business of his or her employer and that such employer failed to provide a lamp or lamps as required by that subregulation.

(36) A person driving or being in charge of any vehicle at night in any street must keep the lamps required by these regulations properly trimmed, lighted and attached.

(37) A motor vehicle other than a motor cycle must to the satisfaction of the Council be provided with an efficient dimmer or an efficient appliance by which the beam of light emanating from the head lights may be lowered or "dipped", and every person driving such vehicle at night must when stationary or when approaching any vehicle from an opposite direction dim or "dip" the head lights and any other front lights on the vehicle driven by him or her, and such lights must remain dimmed or "dipped" until the approaching vehicle has passed, and a person may not within the township use a spotlight, searchlight or any other similar light.

(38) The driver or rider in charge of a vehicle must, in the event of an accident being caused by or through such vehicle in any manner, stop and render such assistance as may be necessary.

(39) The driver of a vehicle must, if possible, give way to any other vehicle during loading or off-loading.

(40) The driver of any loaded vehicle must cause the load to be properly secured and properly protected so as not to cause any undue noise and so as not to be a source of danger.

(41) A vehicle, whether plying for hire or not, must in addition to the requirements of these and of any other regulations applicable thereto be kept and maintained in a state of good repair so as not to cause undue damage to any of the streets within the town area or any undue noise and so as not to be a source of danger, and an owner or licensee of any vehicle failing to keep it in a state of good repair, commits an offence.

(42) A person in or on any vehicle upon a street who, upon demand of an authorised officer, wilfully refuses to give such information as he or she may possess regarding the name and address of the driver of the vehicle and the name and address of the owner thereof commits an offence.

(43) Any street on or near which an outbreak of fire occurs may be closed temporarily to all classes of traffic by any Police officer or by the Chief Executive Officer

or by the Firemaster or any other officer or fireman in charge of the Town area or of any other recognised fire brigade, and a street is deemed to be so closed if in case of an outbreak of fire a hosepipe line used in the operations of any such fire brigade is placed across it, and any person who uses any street while so closed commits an offence.

(44) A person who interferes in any manner whatsoever with the operations of any fire brigade or Police when engaged in the suppression or control of an outbreak of fire commits an offence, and any Police Officer or fireman may on his or her own motion or at the request or order of the Chief Executive Officer or of the Firemaster or any other officer or fireman in charge of any such fire brigade remove any person so interfering.

(45) Members of the Town Fire Brigade or of any other recognised fire brigade whilst proceeding to a fire with or in any of their engines or vehicles, must have a right of way over all other classes of traffic in any street or open space within the town area, and upon the approach of any such engine or vehicle all other classes of traffic must immediately give way or stop and be kept stationary until after such engine or vehicle has passed, and a person contravening this subregulation commits an offence.

(46) The Council may at any time, without prior notice, erect or display or place or cause to be erected or displayed or placed anywhere within the Town area, road traffic signs, in the form prescribed in Government Notice no. 64 of 23 March 1956 at such places as it may determine and such road traffic signs have the meanings ascribed to them in that Notice.

(47) A person who fails to obey or who disregards any road traffic sign erected or displayed or placed in terms of subregulation (46) commits an offence.

PART IV MOTOR VEHICLES

Driving or riding motor vehicle or motor cycle

23. (1) A person driving a motor vehicle or riding a motor cycle must have affixed to such vehicle or cycle in such a position as may be determined by the Council a bell, horn, or other apparatus capable of giving sufficient warning of the approach or position of such vehicle or cycle, and every person driving a motor vehicle or riding a motor cycle must sound such bell, horn or other apparatus when overtaking or passing any animal or animal drawn vehicle or when turning at a blind turn.

(2) A person riding a motor cycle may carry a passenger or passengers on such cycle, except in cases where a motor cycle has attached to it a pillion, one passenger may be carried provided that such pillion seat is a fixture to such motor cycle to the satisfaction of the Council, but a luggage rack attached to a motor cycle is not regarded as a pillion seat for the purpose of this subregulation.

(3) A person who without the consent of the owner or person in charge of any motor vehicle or motor cycle -

- (a) rides in or on or drives it, or
- (b) sets the machinery thereof in motion, or
- (c) places it in gear, or
- (d) in any way interferes with the machinery, accessories or parts thereof,

commits an offence.

(4) The person in charge of a motor vehicle or motor cycle must stop it immediately on the request of any person in charge of a restive animal, whether such request is by word of mouth or by signal.

(5) A person in charge of a motor vehicle or motor cycle may not leave it upon any street with the engine in motion.

(6) A person may not within the town area drive or cause or allow to be driven any motor vehicle or motor cycle, unless such vehicle or cycle -

- (a) is mounted on adequate springs;
- (b) is capable of being worked both forwards and backwards, except a motor cycle;
- (c) is provided with at least two independent brakes, each capable of holding the it on a gradient of not less than 1 in 4; and
- (d) is provided with an efficient silencer, and when its engine is in motion the exhaust gas must pass through such silencer in such a manner as reasonably to deaden the sound of the exhaust explosions.

PART V PARKING

Parking of motor vehicle

24. (1) A person having the control or charge of any motor vehicle may not park such vehicle or cycle otherwise than in accordance with these regulations, and for the purposes of this regulation "motor vehicle", includes motor cycle.

(2) A motor vehicle must be parked in the following manner -

- (a) where angle parking is prescribed a motor vehicle is parked by bringing it to a stop at an angle of 45 degrees to the kerb or building line on the left hand side of the street in the direction of its progress and in such a manner that the left front wheel is within 50 centimetres or 20 inches of the kerb or building line;
- (b) where upon portions of streets on which the Council has caused markings to be painted for angle parking a motor vehicle is parked as indicated by the markings;
- (c) where straight parking is prescribed or permitted a motor vehicle is parked parallel to a kerb or building line in any street, with the left or near wheels not more than 60 centimetres (2 feet) from the kerb or building line.

(3) A motor vehicle parked in accordance with paragraph (a) or (b) may not be parked nearer than 90 centimetres (3 feet) from any part of other motor vehicle similarly parked.

(4) Despite anything to the contrary in this regulation a motor vehicle may not be parked -

- (a) within 60 centimetres of any vehicle that may be diagonally parked;
 - (b) so as to obstruct the passage to the entrance of any premises;
 - (c) so as to obstruct the proper access to any kerb side, petrol pump or air pump;
 - (d) within 1,8 metres from any pole to which is attached a sign denoting an omnibus stopping place authorised as such by the Council;
 - (e) within 10 metres from the intersection of streets;
 - (f) on any portion of a street where angle parking is prescribed if the overall measurement of such vehicle, including goods, loaded, thereon, exceeds 9 metres between extreme projecting points, and such vehicle may be stopped only in the manner prescribed in regulation 24(2)(c) straight parking when engaged in loading or off-loading
- (5) A person having control or charge of any motor vehicle may not park such vehicle in any street for an unreasonable time.
- (6) For the purpose of subregulation (5) an “unreasonable time”, in any street within the town area, means a period longer than 10 hours.
- (7) A person may not allow any motor vehicle in his or her possession for the purpose of sale, repair or garaging to stand in any street or portion of a street in the town area, unless such motor vehicle is at the time being used for ordinary traffic purposes.
- (8) Despite anything to the contrary in these regulations, the Council, by notices and signs posted in any street on any public open space or portion of the town land, or by lines or words painted on the surface of a street, may make orders relating to the regulations of traffic and parking and such directions must be obeyed by every person using such street.
- (9) Each of the following parking notices, when erected or displayed for the regulation of traffic, must bear and conform to the features, respectively, assigned to it as follows:

| Inscription | Shape | Colouring |
|----------------------------------|---|---|
| No parking | Circular 51 centimetres in diameter. | Yellow ground, black lettering, red rim |
| Parking for restricted hours | Oblong: Side 51 centimetres by 30 centimetres long. | Blue ground, white lettering, red rim. |
| Parking without restricted hours | Oblong: Sides 51 centimetres long. | White ground, black lettering, red rim. |

(10) A person may not affix or display in- or outside any street area, any sign having reference to traffic or parking or so-affix or display outside a street area any such sign which may interfere or conflict with the Council notices and signs displayed under these regulations.

(11) Any notice or sign posted in any street for “Parking” or for “No Parking”, as the case may be, must refer to that portion of such street on the same side on which the

notice or sign is posted, as lies between the nearest cross streets on either side of such notice, but in special cases any further notice or sign may be posted limiting the operation of a notice or sign to a section of a street.

(12) A person may not allow any vehicle or motor in his control or charge to stand for a longer period than is necessary to load or unload merchandise or passengers in any street or section of a street where parking is prohibited.

(13) A person being in charge or control of a pedal cycle may not park it within the area of any side walk or go as to obstruct the parking of motor vehicles.

(14) A proprietor of any motor garage or any person employed by him or her may not use any street or any parking place or area for any trading, repair or other business purposes, but in case of a breakdown of a motor, urgent repairs may be attended to on the street and then for no longer time than is necessitated by such emergency.

(15) For the purpose of subregulation (14), "trading, repair and business purposes", includes the parking in any street of any motor which is kept for sale or which may have been handed over to the owner of any garage or any of his or her employees for sale, repairs or for cleaning or overhaul.

RUNDU TOWN COUNCIL

No. 136

2008

OUTDOOR ADVERTISING REGULATIONS: LOCAL AUTHORITIES ACT, 1992

The Local Authority Council of the Town of Rundu, after consultation with the Minister of Regional and Local Government, Housing and Rural Development, under section 94(1)(ae) of the Local Authorities Act, 1992 (Act No. 23 of 1992), has made the regulations set out in the Schedule.

**C.K. KUNDUMO
CHAIRPERSON**

BY ORDER OF THE COUNCIL

SCHEDULE ARRANGEMENT OF REGULATIONS

1. Definitions
2. Advertisements on Council property
3. Advertisements on other property
4. Authorised advertisements
5. Prohibited advertisements
6. Conditions applicable to advertisements
7. Powers of Council
8. Reconsideration of decisions
9. Offences and penalties
10. Savings

Definitions

1. In these regulations a word or expression defined in the Act has that meaning and, unless the context otherwise indicates -

“advertisement” means any written, graphic or pictorial representation of information which is erected, or displayed at any place for the purpose of conveying information about the existence of a product, service, event, place or anything of interest to any person, but does not include a road traffic sign;

“advertisement hoarding” means any structure that is used or is intended to be used for the purpose of posting, exhibiting or displaying an advertisement;

“aerial advertisement” means any advertisement that is exhibited, displayed or performed in the air by any means;

“Council” means the Town Council of Rundu;

“erf” means an erf as defined in section 1 of the Townships and Division of Land Ordinance, 1963 (Ordinance 11 of 1963);

“road traffic sign” means a road traffic sign as defined in section 1 of the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999);

“scheme” means the Rundu Town Planning Scheme prepared under section 16 of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954); and

“subdivision” means a subdivision as defined in section 1 of the Townships and Division of Land Ordinance, 1963 (Ordinance 11 of 1963);

“the Act” means the Local Authorities Act, 1992 (Act No. 23 of 1992); and “town area” means the area in respect of which the Council exercises jurisdiction.

Advertisements on Council property, streets and public places

2. (1) A person may not erect or display an advertisement on the Council property, a street or a public place situated in the town area, unless, he or she has been given written approval to do so by the Council.

(2) A person who wishes to apply for approval to erect or display an advertisement on the Council property, a street or a public place situated in the town area must complete the form approved by the Council and submit it to the Council.

(3) An application under subregulation (2), unless the Council otherwise determines, must be accompanied by -

- (a) a plan of the site on which the advertisement is to be erected or displayed, and the plan must -
 - (i) be drawn to a scale of not less than 1:500;
 - (ii) show the position of each surrounding building on the site and the position of any water, sewerage, stormwater drainage, electricity installation or any other installation situated on the site; and

- (iii) the dimensional position of the advertisement in relation to the boundaries of the site;
 - (b) a drawing of the proposed advertisement, and the drawing must -
 - (i) show the information to be displayed on the advertisement as well as the colour of the proposed advertisement; and
 - (ii) be drawn to a scale of not less than 1:10;
 - (c) a photograph of the site where the advertisement is to be erected or displayed and the proposed position of the advertisement must be shown on the photograph;
 - (d) in the case of an advertisement which is to remain on the site for more than 60 days, a certificate from a person registered under the Engineering Profession Act, 1986 (Act 18 of 1986) indicating that the proposed advertisement when erected or displayed, is not dangerous to any person or property; and
 - (e) a fee determined by the Council.
- (4) On receipt of an application made under subregulation (2) the Council may
- (a) allow the application without imposing any condition;
 - (b) refuse the application and supply to the applicant written reasons for the refusal; or
 - (c) allow the application and impose conditions, including conditions which restrict the period within which the advertisement can be erected or displayed, which are necessary and reasonable in the circumstances.
- (5) Unless an application has been refused under subregulation (4)(b), the Council may retain any document which is submitted to it by a person making an application under this regulation.
- (6) Unless authorised by the Council, a person may not move, remove or alter an advertisement which was erected or displayed under this regulation, but the owner of that advertisement or a person authorised by him or her, may, for the purpose of maintaining or renovating that advertisement, move, remove, or alter it.
- (7) Where an advertisement erected or displayed under this regulation is in a state of disrepair, is not being properly maintained or is erected or displayed in contravention of a condition imposed under this regulation, the Council may -
- (a) withdraw or amend the approval to erect or display that advertisement and advise the owner of that advertisement about the withdrawal or amendment in writing;
 - (b) in writing, instruct the owner of that advertisement to repair or maintain that advertisement or to comply with any condition within a specified period; or
 - (c) if the owner of the advertisement fails to comply with an instruction given under paragraph (b), repair or maintain the advertisement or do any act to

ensure compliance with the condition and thereafter recover any costs incurred from the owner of the advertisement.

(8) Despite subregulation (7), and when it is reasonable and necessary, the Council may in respect of an advertisement erected or displayed under this regulation -

- (a) after giving 30 days written notice to the owner of that advertisement, withdraw the approval to erect or display that advertisement;
- (b) after giving 30 days written notice to the owner of that advertisement, amend or remove a condition which was imposed when the authority to erect or display was granted; or
- (c) after giving 30 days written notice to the owner of that advertisement, impose a new condition for the erection or display of that advertisement.

Advertisements on other property

3. (1) Subject to regulation 2 and 4, a person may not, in the town area, erect or display an advertisement on any place, unless the erection or display of the advertisement has been approved by the Council in writing.

(2) A person who wishes to obtain the written approval contemplated in subregulation (1) must, subject to necessary changes, comply with the procedures laid down in regulation 2, and any approval granted by the Council is granted and used in accordance with that regulation.

Authorised advertisements

4. (1) Despite regulation 3, a person may erect or display an advertisement at any place other than the places referred to in regulation 2, if -

- (a) that advertisement falls under subregulation (2);
- (b) that advertisement is not prohibited by regulation 5; (c) that advertisement complies with regulation 6; and
- (d) the owner of the property on which that advertisement is to be erected or displayed has consented in writing to the erection or display of that advertisement.

(2) Subject to subregulation (1), a person does not require the approval of the Council before he or she can erect or display any of the following advertisements -

- (a) an aerial advertisement as long as the advertisement does not cause environmental pollution or produce excessive noise;
- (b) an advertisement showing the street number of a place or an advertisement showing the name and address of the occupant or owner of a place as long as that advertisement does not exceed half a square metre in area;
- (c) in an area zoned as residential under the scheme, an advertisement showing the name, logo, address and telephone number of -
 - (i) a resident occupation referred to in the scheme;

- (ii) a person to whom under the scheme, consent use has been given by the Council;
 - (iii) a person who has been engaged to give security services at the place or a neighbourhood watch body; or
 - (iv) a person who at the place, is doing an activity which has been approved in writing by the Council, can be erected or displayed as long as the advertisement does not exceed one square metre in area and only one advertisement is erected or displayed on each erf, farm portion or subdivision;
- (d) in an area zoned general residential or undetermined and which is predominately used or is intended to be used for residential purposes under the scheme, an advertisement showing the name, logo, address and telephone number of -
- (i) a resident occupation referred to in the scheme;
 - (ii) a person to whom, under the scheme, consent use has been given by the Council;
 - (iii) a person who has been engaged to give security services at the place, or a neighbourhood watch body; or
 - (iv) a person who at the place, is doing an activity which has been approved in writing by the Council,
- can be erected or displayed as long as the advertisement erected or displayed on each erf, farm portion or subdivision does not exceed two square metres in area, and unless the person concerned is engaged to give security services at the place or is a neighbourhood watch body, only one advertisement is erected or displayed on each erf, farm portion or subdivision;
- (e) in an area zoned as business, restricted business, garage, industrial or special under the scheme, and where business is the primary use as divined in the scheme, any advertisement can be erected or displayed as long as the height of that advertisement does not exceed five metres above the natural ground level and the advertisement does not go above the roof level of any building which is situated in that area;
 - (f) in an area zoned as office or special under the scheme, and where business is not the primary use as defined in the scheme, any advertisement can be erected or displayed as long as the height of that advertisement does not go above the roof level of any building which is situated in that area and the area of that advertisement does not exceed two square metres;
 - (g) in an area zoned as institutional, undetermined, municipal or reserved for government, cemetery or transport and communication under the scheme, any advertisement can be erected or displayed as long as it complies with the requirements of paragraph (d);
 - (h) in an area reserved as private open space under the scheme, any advertisement can be erected or displayed as long as the height of that advertisement does not go above the roof level of any building which is situated in that area and the area of that advertisement does not exceed ten square metres -

- (i) where construction is taking place, an advertisement, can be erected or displayed for the duration of the construction and that advertisement shall -
- (ii) show the name and particulars of the person carrying out the construction;
- (iii) show the name and particulars of the person on whose behalf the construction is being carried out; and
- (iv) does not exceed ten square metres in area;
- (j) an advertisement can be erected or displayed by a candidate during Presidential, parliamentary, regional council or local authority elections as long as that advertisement -
 - (i) is erected or displayed at the residence or office of the candidate; (ii) is erected or displayed for the duration of the election; and (iii) does not exceed ten square metres in area;
- (k) an advertisement which is erected or displayed in the interior of a building as long as that advertisement is not visible from a street or public place;
- (l) a handbill, leaflet or an advertisement which is contained in a book, newspaper or pamphlet as long as the distributor does not litter any place which is situated within the town area; or
- (m) an advertisement which is affixed to a person or vehicle, excluding a vehicle which is used exclusively for the purposes of advertising or erecting or displaying an advertisement, as long as that advertisement does not disrupt the movement of people or traffic.

Prohibited advertisements

- 5. A person may not, in the town area, erect or display an advertisement -**
- (a) that obscures a road traffic sign;
 - (b) that contravenes any law;
 - (c) that obstructs the flow of light or air into or out of a building or obstructs the movement of people into, within or out of a building, unless the person concerned has obtained the consent of the owner or occupant of that building; or
 - (d) that obscures an advertisement that was lawfully erected or displayed by another person, unless that other person consents to the erection or display of that advertisement;
 - (e) that is dangerous to any person or property;
 - (f) that interferes with the enjoyment of the environment or obscures the viewing of a place or thing which the Council may determine;

- (g) that obscures the viewing of a object or place that has been declared a heritage object or place under the National Heritage Act, 2004 (Act No. 27 of 2004) unless permission to erect or display that advertisement has been obtained from the National Monuments Council established under that Act;
- (h) by affixing it to, or by placing onto, a vehicle unless the owner of that vehicle consents to the erection or display of that advertisement onto the vehicle; and
- (i) that is indecent or suggestive of indecency, prejudicial to public morals or is objectionable.

Conditions applicable to advertisements

6. (1) A person who, under these regulations, erects or displays an advertisement or causes an advertisement to be erected or displayed must -

- (a) ensure that the advertisement is securely erected or displayed and that it does not cause damage to any person property, animal, or plant;
- (b) not, on any place other than an advertisement hoarding or a structure approved by the Council, use water soluble adhesive, adhesive tape or other similar material to secure the advertisement;
- (c) take measures to prevent damage to that advertisement or its supporting structure by water or wind or any other cause;
- (d) ensure that electrical cables or conduit pipes which are connected to that advertisement are safe and covered in such a manner that they do not pose danger to any property, plant, animal or person;
- (e) comply with any law which governs the supply of electricity or the electrical wiring of premises in the town area;
- (f) prior to connecting the advertisement to any electricity supply point, obtain the written permission of the Council; and
- (g) comply with any law that governs the construction of buildings in the town area.

(2) The owner of property on which an advertisement is erected or displayed and the owner of any advertisement are both jointly and severally responsible for the maintenance and repair of that advertisement.

(3) A person who, whilst erecting, displaying or removing an advertisement, intentionally causes damage to any plant, animal, property or Council service commits an offence and is liable to the penalties provided for in regulation 9.

Powers of Council

7. (1) Where an advertisement is not repaired or is not being properly maintained, or poses a danger to any person or property, the Council may serve a written notice on the owner of that advertisement, if known, or on the owner or occupier of the place or premises on which the advertisement is erected or displayed.

- (2) A notice referred to in subregulation (1) must -
 - (a) advise the recipient about the nature of the complaint;
 - (b) request the recipient to repair or maintain the advertisement within a specified period;
 - (c) inform the recipient that if he or she fails to repair or maintain the advertisement within the specified period, the Council may repair or maintain that advertisement, and thereafter recover the cost of doing so from the recipient.
- (3) If at the end of the period specified in subregulation (2), the recipient fails to repair or maintain the advertisement, the Council may repair or maintain that advertisement and thereafter recover the cost from the person on whom the notice under subregulation (1) was served.
- (4) Where a person erects or displays an advertisement in contravention of these regulations or conditions, including conditions relating to time limits, imposed by the Council, or where a person erects or displays an advertisement which is prohibited by regulation 5 the Council may -
 - (a) in the case of a prohibited advertisement, serve a written notice on the person who erected or displayed that advertisement, if known, the owner of that advertisement and the owner of the property where that advertisement is situated; or
 - (b) in any other case serve a notice on the owner of that advertisement.
- (5) A notice referred to in subregulation (4) must -
 - (a) advise the person concerned to comply with these regulations or a condition, including a condition relating to time limits, imposed by the Council within a specified period; or
 - (b) in the case of a prohibited advertisement, order the person concerned to remove the advertisement immediately.
- (6) If a person fails to comply with a notice given under subregulation (4), the Council may remove, deface, obliterate or destroy the advertisement or take any other remedial action which is necessary and reasonable in the circumstances and thereafter recover any costs incurred from the person who failed to comply with that notice.
- (7) Any action taken by the Council under this regulation is in addition to any penalty imposed under regulation 9 for contravening these regulations.
- (8) For the purposes of enforcing these regulations any staff member of the Council may exercise the powers conferred by section 91 of the Act.
- (9) A notice required to be served under these regulations is served in compliance with section 93 of the Act.

Reconsideration of decision

8. (1) A person who is aggrieved by a decision of the Council made under these regulations may, within 30 days of receiving that decision, apply to the Council for reconsideration of that decision.

(2) An application made under subregulation (1) must be in writing and must contain the grounds on which the decision should be reconsidered.

(3) On receipt of an application made under this regulation, the Council must reconsider its decision and may -

- (a) reverse the earlier decision;
- (b) reverse the earlier decision and impose conditions, including conditions relating to time limits, which are necessary and reasonable in the circumstances; or
- (c) confirm the earlier decision.

(4) The Council, within 60 days of receiving an application under this regulation, must notify the applicant in writing of the decision made under subregulation (3).

Offences and penalties

9. (1) A person who -

- (a) in the town area, erects, displays or uses an advertisement or causes an advertisement to be erected, displayed or used contrary to these regulations;
- (b) in the town area, erects, displays or uses a prohibited advertisement or causes a prohibited advertisement to be erected, displayed or used;
- (c) contravenes or fails to comply with a requirement set out in a notice issued and served on him or her under these regulations;
- (d) intentionally makes a false statement when making an application under these regulations; or
- (e) contravenes or fails to comply with any provision of these regulations or a condition, including a condition relating to time limits, imposed under these regulations,

commits an offence and is liable to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

(2) In a prosecution for an offence under these regulations -

- (a) the owner of land or a building on which an advertisement was erected or displayed is deemed to have erected or displayed that advertisement or caused it to be erected or displayed;
- (b) any person who was, either alone or jointly with any other person, responsible for organizing, or was in control of, any meeting, function or event to which an advertisement relates, is deemed to have erected or displayed any

advertisement erected or displayed in connection with that meeting, function or event or to have caused or allowed that advertisement to be erected or displayed; and

- (c) any person whose name appears on an advertisement is deemed to have erected or displayed that advertisement or to have caused or allowed that advertisement to be erected or displayed,

unless the contrary is proved.

Savings

10. The owner of an advertisement which, with the approval of the Council, was erected or displayed before the commencement of these regulations and the owner of the property on which an advertisement was, with the approval of the Council, erected or displayed before the commencement of these regulations must, within 12 months of the commencement of these regulations -

- (a) remove that advertisement, if that advertisement is prohibited by these regulations; or
 - (b) alter that advertisement to comply with these regulations, if it does not comply with these regulations.
-