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XIFUNDZANKULU XA LIMPOPO
PROFENSE YA LIMPOPO
VUNDU LA LIMPOPO
IPHROVINSI YELIMPOPO

**Provincial Gazette • Provinsiale Koerant • Gazete ya Xifundzankulu
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Hlawuleka hinkwato**

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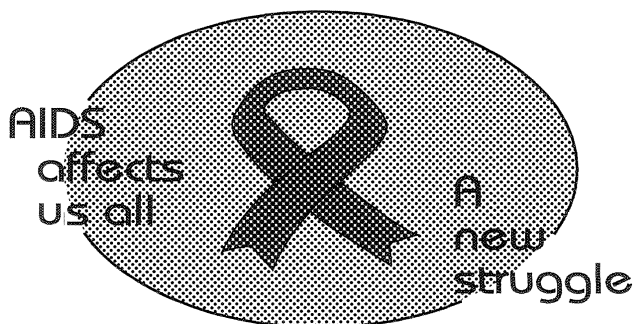
24 FULWI 2014

No. 2375

Buitengewoon

**Hu tshi katelwa na
Gazethe dza Nyingo**

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
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DEPARTMENT OF HEALTH

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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 88

PUBLIC AMENITIES By-Laws

The Municipal Manager of Makhuduthamaga Municipality hereby, in terms of section 13(a) in conjunction with section 75 (1) of the Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Public Amenities By-Law for the Makhuduthamaga Municipality, to be approved by the Council, as set out hereunder.

Purpose of By-Law

- To promote the achievement of a safe and peaceful environment;
- To provide for procedures, methods and practices to regulate the use and management of public amenities.

Definitions

1. In this By-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the Afrikaans text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates: -

"Council" means the council of the Municipality or any political structure, political office bearer, councillor, or any staff member acting under council's delegated or sub-delegated authority;

"Municipality" means the Municipality of the established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 dated 22 September 2000;

"Notice" means official notice displayed at every entrance to or at a conspicuous place at or on a public amenity and in which the council shall make known provisions and directions adopted by it in terms of this by-law;

"Public Amenity" means –

- (a) any land, square, camping site, swimming bath, river, public resort, recreation site, nature reserve, zoo-logical, botanical or other garden, park or hiking trail which is the property of the municipality, including any portion thereof and any facility or apparatus therein or thereon;
- (b) any building, structure, hall, room, or office including any part thereof and any facility or apparatus therein, which is the property of, or is possessed, controlled or leased by the council and to which the general public has access, whether on payment of admission fees or not; but excluding:
 - (i) any public road or street;
 - (ii) any public amenity contemplated in paragraphs (a) and (b), if it is lawfully controlled and managed in terms of an agreement by a person other than the council, and
 - (iii) any public amenity hired from the council;

Maximum number of visitors

2. (1) The council may determine the maximum number of visitors who may be present at a specific time in or at a public amenity;
- (2) The numbers contemplated in subsection (1) are made known by the council by means of a notice.

Admission to and sojourn in a public amenity

3. (1) A public amenity is, subject to the provisions of this by-law, open to the public on the times determined by the council;
- (2) No visitor shall enter or leave a public amenity at a place other than that indicated for that purpose.
- (3) The times and places contemplated in subsections (1) and (2), shall be made known by the council by means of a notice.

Entrance fees

4. (1) A visitor to a public amenity shall pay entrance fees determined from time to time by the council and such entrance fees shall be made known by means of a notice.
- (2) Different entrance fees may be determined in respect of visitors of different ages and the council may exempt certain groups of persons from the payment of an entrance fee.

Nuisances

5. No person shall perform or permit any of the following acts in or at a public amenity-
- (a) the use of language or the performance of any other act which disturbs the good order;
 - (b) the firing of firearms, airguns, air pistols, fireworks or the use of sling-shots or catapults without the council's written consent;
 - (c) the burning of rubble or refuse;
 - (d) the causing of unpleasant or offensive smells;
 - (e) the production of smoke nuisances;
 - (f) the causing of disturbances by fighting, shouting, arguing, singing or the playing of musical instruments; or by the use of loudspeakers, radio reception devices, television sets, or similar equipment;
 - (g) the begging for money, food, work or the offering of services, or
 - (h) in any other manner cause a nuisance, obstruction, disturbance or annoyance to the public.

Health Matters

6. No person shall in or at a public amenity-
- (a) dump, drop or place any refuse, rubble, material or any object or thing or permit it to be done, except in a container provided for that purpose in or at the amenity;
 - (b) pollute or contaminate in any way the water in any bath, swimming-bath, dam, spruit, river or water-course;

- (c) enter any bath or swimming bath while suffering from an infectious or contagious disease or having an open wound on his body;
- (d) perform any act that may detrimentally affect the health of any visitor to a public amenity.

Structures

7. No person shall without the written consent of the council having first been obtained, erect or establish in or on a public amenity any structure, shelter or anything similar, except the parking of a caravan or tent erected for camping purposes on a site specifically set aside therefore by notice;

Liquor and food

8. (1) No person shall, contrary to a provision of a notice, bring into a public amenity any alcoholic or any other liquor or any food of whatever nature.

(2) No person shall on, in or at a public amenity, contrary to a provision of a notice, cook or prepare food of any kind whatsoever, except at places set aside for such purposes by notice; provided that the preparation and cooking of food in or at a public amenity shall be done in a clean and hygienic manner so as not to give rise to excessive smoke or other nuisances or entail any danger to health; provided further that no live animals, poultry or fish may be killed or skinned on, in or at a public amenity.

Animals

9. (1) No person shall bring any live animal, bird, fish or poultry into a public amenity except in accordance with the directions of the council.

(2) The directions contemplated in subsection (1) shall be made known by means of a notice.

Use of public amenities

10 (1) No person shall without the consent of the council or contrary to any condition which the council may impose when granting such consent –

- (a) arrange or present any public entertainment;
- (b) collect money or any other goods for charity or any other purpose from the general public;
- (c) display or distribute any pamphlet, placard, painting, book, handbill or any other printed, written or painted work;
- (d) arrange, hold or address any meeting;
- (e) arrange or hold a public gathering or procession, exhibition or performance;
- (f) conduct any trade, occupation or business;
- (g) display, sell or rent out or present for sale or rent any wares or articles;
- (h) hold an auction;
- (i) tell fortunes for compensation;

(2) For the purposes of this by-law “public gathering or procession” shall mean a procession or gathering of 15 or more persons and which is not regulated by national or provincial legislation.

Safety and order

11. (1) No person shall, subject to subsection (2), in or at a public amenity

- (a) damage or disfigure anything within such amenity;
- (b) use or try to use anything within such amenity for any purpose other than that for which it is designated or determined by notice;
- (c) light a fire or prepare food, except at a place indicated for that purpose by notice;
- (d) throw away any burning or smouldering object;
- (e) throw or roll down any rock, stone or object from any mountain, koppie/hill, slope or cliff;
- (f) pull out, pick or damage any tree, plant, shrub, vegetation or flower;
- (g) behave himself or herself in an improper, indecent, unruly, violent or unbecoming manner;
- (h) cause a disturbance;
- (i) wash, polish or repair a vehicle;
- (j) walk, stand, sit or lie in a flower bed;
- (k) kill, hurt, follow, disturb, ill-treat or catch any animal, bird or fish or displace, disturb, destroy or remove any bird nests or eggs;
- (l) walk, stand sit or lie on grass contrary to the provisions of a notice;

- (m) lie on a bench or seating-place or use it in such a manner that other users or potential users find it impossible to make use thereof;
 - (n) play or sit on play park equipment, except if the person concerned is a child under the age of 13 years;
 - (o) swim, walk or play, contrary to the provisions of a notice, in a fish-pond, fountain, stream or pond;
- (2) The council may by way of notice and subject to such conditions as the council deems necessary and mentioned in the notice, authorise any of the actions contemplated in subsection (1).

Water

12. No person may misuse, pollute or contaminate any water source or water supply or waste water in or at any public amenity.

Laundry and crockery

13. No person may in or at a public amenity wash any crockery or laundry or hang out clothes, except at places indicated by notice for that purpose.

Vehicles

14 (1) No person may bring into a public amenity any truck, bus, motorcar, motor cycle, motor tricycle, bicycle or any other vehicle, craft or aeroplane, whether driven by mechanical, animal, natural or human power, except in accordance with the directions of the council;

(2) The council determines the speed limit applicable in a public amenity;

(3) The directions contemplated in subsection (1) and the speed limit contemplated in subsection (2) shall be made known by the council by way of notice.

Games

15. No game of any nature whatsoever shall be played or conducted in or on a public amenity by any person or persons except at places set aside for that purpose by notice and in accordance with the directions of the council and which is made known by way of notice.

Penalties

16. Any person who contravenes or fails to comply with a provision of this by-law, a notice issued in terms of this by-law or a condition imposed under this by-law, irrespective of whether such contravention or failure has been declared as an offence elsewhere in this by-law, shall be guilty of an offence and liable upon conviction to:

(1) a fine or imprisonment for a period not exceeding six months or either such fine or such imprisonment or both such fine and such imprisonment or both such fine and such imprisonment;

(2) in the case of a continuing offence, an additional fine or an additional period of imprisonment of 10 days or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued, and

(3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as a result of such contravention or failure.

Short title and commencement

17. These by-laws shall be deemed to be in force from the date of publication in the provincial gazette.

LOCAL AUTHORITY NOTICE 89**Makhuduthamaga Street Trading By-Laws**

The Municipality of Makhuduthamaga Local Municipality (“the municipality”) hereby publishes the **Street Trading By-Laws** set out below. They have been adopted by the municipality in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 and in accordance with section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

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Purpose of the By Laws

To promote achievement of a safe environment for the benefit of residents within the area of jurisdiction of the municipality.

To provide for the procedures, methods and practices for regulation of the use of public stalls and streets within the municipal jurisdiction.

1. DEFINITIONS.

In this By-Law, unless the context otherwise indicates-

“Approval” means approval by the Council and “approved” has a corresponding meaning;

“Authorized Official” means any official of the Council who has been authorised by it to administer, implement and enforce the provisions of this By-Law;

“Council” means –

(a) means the council of Makhuduthamaga Municipality as established in terms of the provisions of Municipal Structures Act 117 of 1998.

(c) a structure or person exercising a delegated power or carrying out an instruction, where any power in this By-Law has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or

(d) a service provider fulfilling a responsibility under this By-Law, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000, or any other law, as the case may be.

“Council Services” means any system conducted by or on behalf of a local authority, for the collection, conveyance, treatment or disposal of refuse, sewage, or storm water, or for the generation, impounding, storage or purification, or supply of water, gas or electricity, or municipal services;

“Council Service Works” means all property or works of whatever nature necessary for or incidental to any Council services;

“Foodstuff” means foodstuff as defined in section 1 of the Foodstuff Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

“Garden Or Park” means a garden or park to which the public has a right of access;

“Goods” means any movable property and includes a living thing;

“Intersection” means an intersection as defined in the regulations promulgated in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

“Litter” includes any receptacle, container or other matter, which has been discarded, abandoned or left behind by a street trader or by his or her customers;

“Motor Vehicle” means a motor vehicle as defined in section 1 of the National Road Traffic Act, 1996;

“Prescribed” means determined by resolution of the Council from time to time;

“Property”, in relation to a street trader, means any article, container, vehicle or structure used or intended to be used in connection with such business, and includes goods in which he or she trades;

“Public Building” means a building belonging to or occupied solely by the State or the Council;

“public monument” means any one of the “public monuments and memorials” as defined in the National Heritage Resources Act, 1999 (Act No. 25 of 1999);

“Public Place” means a public place as defined in section 2 of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939);

“Public Road” means a public road as defined in section 1 of the National Road Traffic Act, 1996;

“Roadway” means a roadway as defined in section 1 of the National Road Traffic Act, 1996;

“Sell” includes to ;

- (a) barter, exchange or hire out;
- (b) display, expose, offer or prepare for sale;
- (c) store on a public road or public place with a view to sell; or
- (d) provide a service for reward;

and “sale” or “selling” has a corresponding meaning;

“Sidewalk” means a sidewalk as defined in section 1 of the National Road Traffic Act, 1996;

“Street Furniture” means any furniture installed by the Council on the street for public use;

“Street Trader” means a person who carries on the business of street trading and includes any employee of such person;

“Street Trading” means the selling of any goods or the supplying or offering to supply any service for reward, in a public road, or public place, by a street trader;

“the Act” means the Businesses Act, 1991 (Act No. 71 of 1991) and includes the regulations promulgated thereunder; and

“Verge” means a verge as defined in section 1 of the National Road Traffic Act, 1996;

2. MEANING OF WORDS AND EXPRESSIONS IN BUSINESS ACT INCORPORATED IN THIS BY –LAW.

In this By-Law, unless the context otherwise indicates, any words or expressions to which a meaning has been assigned in the Businesses Act, 1991 (Act No. 71 of 1991), shall have a corresponding meaning in this By-Law.

3. SINGLE ACT CONSTITUTES STREET TRADING.

For the purpose of this By-Law a single act of selling or offering or rendering of services in a public road or public place shall constitute street trading.

4. REFERENCE TO LEGISLATION INCLUDES REGULATIONS MADE THEREUNDER.

For the purpose of this By-Law a reference to any legislation shall be a reference to that legislation and the regulations promulgated there under.

5. ASSIGNING OF POWERS OF A COUNCIL EMPLOYEE TO AN EMPLOYEE OF A SERVICE PROVIDER, WHERE A SERVICE PROVIDER HAS BEEN APPOINTED.

If any provision in this By-Law vests or imposes any power, function or duty of the Council in or on an employee of the Council, and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000, or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorized by it.

6. PROHIBITED CONDUCT.

(1) No person shall carry on the business of a street trader –

(a) at a place or in an area declared by the Council in terms of section 6A (2) (a) of the Act as a place or area in which street trading is prohibited;

(b) in a garden or a park to which the public has a right of access;

(c) on a verge contiguous to –

(i) a building belonging to, or occupied solely by, the State or the Council;

(ii) a church or other place of worship;

(iii) a building declared to be a Public monument;

(iv) an autoteller bank machine;

(d) at a place where it causes an obstruction in front of –

(i) a fire hydrant;

(ii) an entrance to or exit from a building;

(e) at a place where it could obstruct vehicular traffic;

(f) at a place where it could substantially obstruct a pedestrian in his or her use of the sidewalk;

(g) on that half of a public road contiguous to a building used for residential purposes, if the owner or person in control, or any occupier of that building objects thereto and such objection is made known to the street trader by an authorized official;

(h) on a stand, or in any area demarcated by Council in terms of section 6A(3)(b) of the Act, if he or she is not in possession of a written proof that he or she has hired such stand or area from the Council, or that such stand has otherwise been allocated to him or her;

(i) within 5 (five) metres of any intersection as defined in the National Road Traffic Act 1996; and

(j) on a sidewalk contiguous to a building in which business is being carried on, by any person who sells goods of the same or of a similar nature to the goods being sold on such sidewalk by

the street trader, if the goods are sold without the prior consent of such person and an authorized official has informed the street trader that such consent does not exist.

(2) A person who has hired a stand from, or been allocated a stand by the Council in terms of subsection (1) (h), may not trade in contravention of the terms and conditions of such lease or allocation.

7. RESTRICTED CONDUCT.

A person carrying on the business of a street trader -

- (a) may not sleep overnight at the place of such business;
- (b) may not erect any structure for the purpose of providing shelter, other than a device approved by the Council;
- (c) may not place his or her property on a public road or public place, with the exception of his or her motor vehicle or trailer from which trade is conducted, and provided that such vehicle or trailer does not obstruct pedestrian and vehicular traffic movement, and complies with the provisions of the National Road Traffic Act, 1996;
- (d) must ensure that his or her property or area of activity does not cover an area of a public road or public place which is greater in extent than six square metres (with a maximum length of three metres) or unless otherwise approved by the Council, and which on any sidewalk leaves an unobstructed space for pedestrian traffic, the length of the property or area of activity, and not less than 1,5 metres wide, measured from any contiguous building to the obstructed area, and an unobstructed space, the length of the property or area of activity, and not less than 0,5 metres wide, measured from the kerb of the roadway;
- (e) may not trade on a sidewalk where the width of such sidewalk is less than four metres;
- (f) may not place or stack his or her property in such a manner that it constitutes a danger to any person or property, or is likely to injure any person or cause damage to any property;
- (g) may not display his or her goods or other property on or in a building, without the consent of the owner, lawful occupier, or person in control of such building or property;
- (h) must on a request by an authorized official of the Council, or supplier of telecommunication or electricity or other council services, move his or her property so as to permit the carrying out of any work in relation to a public road, public place or any such service;

- (i) may not attach any of his or her property by any means to any building, structure, pavement, tree, parking meter, lamp, pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or public place;
- (j) may not carry on such business in such a manner as to -
 - (i) create a nuisance;
 - (ii) damage or deface the surface of any public road or public place, or any public or private property; or
 - (iii) create a traffic or health hazard, or health risk, or both.
- (k) may not make an open fire on a public road or public place;
- (l) may not interfere with the ability of a person using a sidewalk to view the goods displayed behind a shop display window, or obscure such goods from view.
- (m) may not obstruct access to a pedestrian crossing, a parking or loading bay or other facility for vehicular or pedestrian traffic;
- (n) may not obstruct access to, or the use of, street furniture and any other facility designed for the use of the general public;
- (o) may not obscure any road traffic sign displayed in terms of the National Road Traffic Act, 1996, or any marking, notice or sign displayed or made in terms of this By-Law;
- (p) may not carry on business, or take up a position, or place his or her property on a portion of a sidewalk or public place, in contravention of a notice or sign erected or displayed by the Council for the purposes of this By-Law;
- (q) may not, other than in a refuse receptacle approved or supplied by the Council, accumulate, dump, store, or deposit, or cause or permit to be accumulated, dumped, stored or deposited, any litter on any land or premises or any public road or public place or on any public property;
- (r) may not place on a public road or public place, his or her property that is not capable of being easily removed to a storage place away from such public road or public place, at the end of the day's business;
- (s) must on concluding business for the day remove his or her property, except any structure permitted by the Council, to a place which is not part of a public road or public place;
- (t) may not store his or her property in a manhole, storm water drain, public toilet, and bus shelter or in a tree; and

(u) may not carry on such business in a place or area in contravention of any prohibition or restriction approved by the Council in terms of section 6A (2) (a) of the Act.

8. CLEANLINESS.

A street trader must-

- (a) keep the area or site occupied by him or her for the purposes of such business in a clean and sanitary condition;
- (b) keep his or her property in a clean, sanitary and well maintained condition;
- (c) dispose of litter generated by his or her business in whatever receptacle is provided by the Council for the public or at a dumping site of the Council;
- (d) not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;
- (e) ensure that on completion of business for the day, the area or site occupied by him or her for the purposes of trade is free of litter;
- (f) take such precautions in the course of conducting his or her business as may be necessary to prevent the spilling onto a public road, or public place, or into a storm water drain, of any fat, oil or grease;
- (g) ensure that no smoke, fumes or other substance, odours, or noise emanating from his or her activities causes pollution of any kind;
- (h) on request by an authorized official of the Council, move his or her property so as to permit the cleansing of the space of the area or site where he or she is trading, or the effecting of council services.

9. SIGNS INDICATING RESTRICTED AND PROHIBITED AREAS.

- (a) The Council may, by resolution and in terms of section 6A(2) of the Act, declare any place in its area of jurisdiction to be an area in which street trading is restricted or prohibited, and must, to enable compliance therewith, prescribe or make signs, markings or other devices indicating-
 - (i) specified hours, places, goods or services in respect of which street trading are restricted or prohibited;

- (ii) the locations of boundaries of restricted or prohibited areas;
- (iii) the boundaries of a stand or area set apart for the purposes of the carrying on of the business of street trading;
- (iv) the fact that any such stand or area has been let or otherwise allocated; and
- (v) any restriction or prohibition against street trading in terms of these Bylaws;
- (b) The Council may display any such sign, marking or device in such a position and manner as will indicate any restriction or prohibition and or the location or boundaries of the area or stand concerned;
- (c) Any sign erected in terms of this By-Law or any other law, shall serve as sufficient notice to a street trader of the prohibition or restriction of the area concerned; and
- (d) Any sign may be amended from time to time and displayed by the Council for the purpose of this By-Law, and shall have the same effect as a road sign in terms of the National Road Traffic Act 1996.

10. REMOVAL AND IMPOUNDMENT.

- (1) An authorized official may remove and impound any property of a street trader-
 - (a) which he or she reasonably suspects is being used or which intended to be used or has been used in or in connection with street trading; and
 - (b) which he or she finds at a place where street trading is restricted or prohibited and which, constitutes an infringement of any such restriction or prohibition whether or not such property is in possession or under the control of any person at the time of such removal or impoundment.
- (2) Any authorized official acting in terms of subsection 1 above must, except where goods have been left or abandoned, issue to the person carrying on the business of a street trader, a receipt for any property so removed and impounded, which receipt must-
 - (i) itemize the property to be removed and impounded;
 - (ii) provide the address where the impounded property will be kept, and the period thereof;
 - (iii) state the conditions for the release of the impounded property;
 - (iv) state the terms and conditions relating to the sale of unclaimed property by public auction; and
 - (v) provide the name and address of a council official to whom any representations regarding the impoundment may be made, and the date and time by which this must be done.

(3) If any property about to be impounded is attached to any immovable property or a structure, and such property is under the apparent control of a person present thereat, any authorized official of the Council may order such person to remove the property, and if such person refuses or fails to comply, he or she shall be guilty of an offence.

(4) When any person fails to comply with an order to remove the property referred to in subsection (3), any authorized official of the Council may take such steps as may be necessary to remove such property.

11. VICARIOUS RESPONSIBILITY OF PERSONS CARRYING ON BUSINESS.

(1) When an employee of a street trader contravenes a provision of this By-Law the employer shall be deemed to have committed such contravention him or herself unless such employee satisfies the court that-

- (a) he or she neither connived at nor permitted such contravention and;
- (b) he or she took reasonable steps to prevent such contravention.

(2) The fact that the employer issued instructions prohibiting such contravention shall not in itself constitute sufficient proof of such reasonable steps.

12. OFFENCES AND PENALTIES.

Any person who –

- (a) contravenes or fails to comply with any provision of this By-Law;
- (b) fails to comply with any notice issued in terms of this By-Law; or
- (c) fails to comply with any lawful instruction given in terms of this By-Law; or
- (d) who obstructs or hinders any authorized representative of the Council in the execution of his or her duties under this By-Law, shall be guilty of an offence and liable on conviction to a fine or in default of payment, to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R1500, or in default of payment, to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the person concerned, requesting the discontinuance of such offence.

13. SHORT TITLE AND COMMENCEMENT

These by-laws shall be called **Makhuduthamga Street Trading By-Laws** and shall commence to be on effect from the date of their publication in the Provincial Gazette.

LOCAL AUTHORITY NOTICE 90***MAKHUDUTHAMA STREET ADVERTISING BY-LAWS***

The Municipal Manager of Makhuduthamaga Local Municipality hereby, in terms of section 13(a) in conjunction with section 75 (1) of the Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Advertising Signs and Hoardings By-Law for the Makhuduthamaga Local Municipality, to be approved by the Council, as set out hereunder.

WHEREAS the community of the Municipality has legitimate interests in ensuring:-

1. That signs or advertisements do not constitute a danger or nuisance to members of the general public whether by way of obstruction, interference with traffic signals or with the visibility of such signals, light nuisance or otherwise;
2. That signage or advertising displayed in its living environment is aesthetically pleasing, appropriate and placed at appropriate sites with an uncluttered effect;
3. That its environment for tourism is characterized by a high standard of user friendly signage and advertising satisfactorily integrated into the environment;

AND WHEREAS individual businesses have legitimate interests in the proper advertising of their businesses, wares and products;

AND WHEREAS it is the duty of the Municipality to balance the competing interests in a fair, equitable, flexible and responsible way;

NOW THEREFORE the following By-Laws are adopted as the **Advertising Signs and Hoardings By-Law**, for the Municipality.

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PURPOSE OF THE BY-LAWS

TO regulate the outdoor advertising system around the municipality.

TO provide the guidelines and procedures for outdoor advertising.

1. DEFINITIONS.

In these By-Laws the following words shall be given the meaning as provided hereunder;

"Affix" means to firmly secure which includes painting onto and "affixed" shall have a corresponding meaning.

"Animation" means moving units or pictures, flashing lights, and other non-stationery devices which are used to gain added attention and awareness.

"Approved" means approved by the Council and "approval" has a corresponding meaning.

"Arcade" means a covered pedestrian thoroughfare not vested in the Council, whether or not located at ground level passing wholly or partly through a building and to which the public normally has regular and unrestricted access.

"Backlight units" (backlit) means advertising structures which house illumination in a box to throw light through translucent advertising printed on plastic or heavy duty paper for a higher visibility and extended night viewing.

"Billboard" means a large free-standing structure used or intended to be used for the purpose of posting, displaying or exhibiting any advertisement.

"Building" means any structure whatsoever with or without walls, having a roof or canopy and a normal means of ingress and egress thereunder, covering an area in excess of 4.6m² and having an internal height of more than 1.650m.

"Canopy" means a structure in the nature of a roof projecting from the facade of a building and cantilevered from that building or anchored otherwise than by columns or posts.

"Charge" means the appropriate monetary charge determined by the Council.

"Clear height" means the vertical distance between the lowest edge of the sign and the level of the ground, footway or roadway immediately below such sign.

"Erf" means any piece of land registered in a deeds registry as an erf, lot, plot, stand or agricultural holding.

"Flashing sign" means a sign in which a symbol, figure, message or illustration intermittently appears and/or disappears and/or illuminated with varying colour or intensity.

“Flat sign” means any sign which is affixed to or painted directly on a main wall and which at no point projects more than 250mm in front of the surface of such wall.

“Flyposter” means any poster which is pasted by means of an adhesive directly onto a surface.

“Ground sign” means any sign detached from a building, other than an aerial sign, hoarding, billboard or advertising structure.

“Illuminated” means the installation of electrical equipment on an outdoor structure for illumination of the copy message at night.

“Illuminated sign” means a sign, the continuous or intermittent functioning of which depends upon it being illuminated.

“Inflatable sign” means any hoarding erected and maintained by means of air or gas used for the purpose of posting or displaying any advertisement.

“Main wall of a building” means any external wall of such building, but shall not include a parapet wall, balustrade or railing of a verandah or a balcony.

“Movable temporary sign” means a sign not permanently fixed and not intended to remain fixed in one position, but does not include any moving part in a fixed permanent sign.

“Non-profit body” means a body established to promote a social goal without the personal financial gain of any individual or profit making commercial organization involved and which submits adequate proof to the satisfaction of the Council of its non-profit status.

“Person” includes both natural and juristic persons.

“Poster and notices” means any placard announcing or attracting public attention to any meeting, event, function, activity or undertaking or to the candidature of any person nominated for election to National, Provincial or Local Government or similar body or to a referendum.

“Projected sign” means any sign projected by a cinematograph or other apparatus, but does not include a sign projected onto the audience's side of a drive-in cinema screen during a performance.

“Projecting sign” means a sign, whether stationary or actuated, attached to and protruding from the facade of a building.

“Public place” means any road, street, thoroughfare, bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden, park or enclosed space vested in the Council.

“Pylon sign” means any sign whether stationary or actuated, displayed on or forming an integral part of a pylon or mast or similar structure other than a building or advertising hoarding.

“Residential purposes” mean the use of a building as a dwelling house, two or more dwelling units, a hostel, a boarding house, and a residential club.

“Road traffic sign” means any road traffic sign as defined in the Road Traffic Act, 1989 (Act No. 29 of 1989), the detailed dimensions and applications of which are controlled by the regulations to this Act and the South African Road Traffic Signs Manual (Note: Act will be replaced by The National Road Traffic Act, Act 93 of 1996 in the near future).

“Rotating sign” means a sign, which rotates about any axis.

“Running light sign” means a sign or portion of a sign in the form of an illuminated strip, the illumination of which varies periodically in such a way as to convey the impression of a pattern of lights moving steadily along such strip.

“Shelter displays” means posters positioned as an integral part of a freestanding covered structure.

“Sign Alley” is a section of road where advertising structures have been permitted at less than prescribed distances but in such a manner that no advertising structure shall obstruct another in any way.

“Sky sign” means any sign erected or placed on or above any roof, parapet wall or the eaves of a building, but does not include a sign painted on a roof of a building.

“Spectacular” (an industry term) means a giant, modern, illuminated advertising billboard.

“Storey” means the space within a building which is situated between one floor level and the next floor level next above, or if there are no clearly defined storeys, the height of a storey shall be taken as 4,5m.

“Street” means any street, road or thoroughfare shown on the general plan of a township, agriculture holding or any other division of land or in respect of which the public have acquired a prescriptive or other right of way and which vests in the Council.

“Temporary advertisements” mean signs and advertisements which are usually displayed to publicize a forthcoming event or to advertise a short term use of the advertisement site.

“Temporary sign” means a sign not permanently fixed and not intended to remain fixed in one position.

“Third-party advertising” means any advertising displayed which is not appropriate to the type of activity on the erf or site to which it pertains.

“Transit advertising” means all advertising on normally moving vehicles including taxis, buses, trailers, trams, vessels, etc.

“Tri-vision” means a display embellishment, which, through use of a triangular louver construction, permits the display of three different copy messages in a predetermined sequence.

“Verandah” means a structure in the nature of a roof attached to or projecting from the facade of a building and supported along its free edge by columns or posts.

“Window signs” are signs, which are permanently painted on, or attached to, the window-glass on a window.

2. APPLICATIONS FOR COUNCIL'S APPROVAL FOR ADVERTISING SIGNS AND HOARDINGS

(1) No person shall

(a) display or erect any advertising sign or hoarding.

(b) use any advertising sign or hoarding or use any structure or device as an advertising sign or hoarding without first having obtained the written approval of the Council.

(2) No sign erected or displayed with the approval of the Council shall in any way be altered, moved, re-erected nor shall any alteration be made to the electrical wiring system of such sign except for the purposes of renovating or maintenance, without further approval of the Council in terms of sub-section (1).

(3) (a) An application in terms of sub-section(1), accompanied by the required application fee, specified in the tariff of charges, as determined by Council and subject to Section 40, shall be signed by the owner of the proposed advertising sign or hoarding and by the registered owner of the land or building on which the sign or advertising hoarding is to be erected or displayed, or on behalf of the owner of the land or building by his agent authorised in writing by such owner and shall be accompanied by:

(i) a locality plan indicating the anticipated position of the sign within the area of the Makhuduthamaga local Municipality.

(ii) a block plan of the site on which the advertising sign or hoarding is to be erected or displayed, drawn to a scale of not less than 1:500 showing every building on the site and the position with dimensions of the sign or advertising hoarding in relation to the boundaries of the site and the location of the streets and buildings on properties abutting the site;

(iii) a drawing sufficient to enable the Council to consider the appearance of the advertising sign or hoarding and all relevant construction detail; and

(iv) a drawing showing the advertising sign or hoarding in relation to other similar type signage in the area in which it will be erected.

(b) Every such plan and drawing shall be clearly reproduced on an approved material in sheet form not less than A4 size (210mm x 297mm); and

(c) A drawing required in terms of paragraph (a) (iii) shall show all details of the sign and shall be drawn to a scale of not less than 1:20 or other scale acceptable by Council.and

(d) The Council may require additional information in relation to the land on which the sign is to be erected its use and impact.

(4) If a sign is to be attached to or displayed on the facade of a building, the Council may require the submission of an additional drawing showing an elevation of the building in colour, the details and position of the proposed sign and the details and the position of every existing sign on the building drawn to a scale of not less than 1 : 100, or the Council may require a coloured print of or an artist's photographic or computer generated impression of the building with the details of the proposed sign superimposed on such graphic and draw as nearly as is practicable to the same scale as that of the graphic.

(5) The Council may require the submission of additional drawings, calculations and other information and a certificate by a person defined in Section 1 of the Engineering Profession of South Africa 1990 (Act No. 114 of, 1990) as a certified engineer, engineering technician, professional engineer or professional technologist (engineering), in each case giving details to the Council's satisfaction, to enable it to establish the adequacy of the proposed means of securing, fixing or supporting any advertising sign, hoarding or screen referred to in Section 13, to resist all loads and forces to which the advertising sign, hoarding or screen may be exposed and the sufficiency of the margin of safety against failure,

(6) In considering an application submitted in terms of sub-section (1), the Council may, in addition to any other relevant factors, have due regard to the following:

(a) no advertising sign or hoarding or copy should be so designed or displayed that:

(i) it will be detrimental to the environment or to the amenity of the neighbourhood by reason of size, intensity of illumination, quality of design or materials or for any other reason;

- (ii) it will constitute a danger to any person or property;
- (iii) it will display any material which in the opinion of the Council is indecent, suggestive of indecency, prejudicial to public morals or objectionable;
- (iv) it will obliterate any other signs;
- (v) it will in the opinion of the Council be unsightly or detrimentally impact upon a sound architectural design;
- (vi) it will in any way impair the visibility of any road traffic sign or affect the safety of motorists or pedestrians,
- (b) the size and location of a proposed advertising sign or hoarding and its alignment in relation to any existing advertising sign or hoarding or the same building or erf and its compatibility with the visual character of the area surrounding it. and
- (c) the number of signs displayed or to be displayed on the erf concerned and its legibility in the circumstances in which it is seen;

(7) The Council, subject to Section 41, may refuse any application submitted in terms of sub-clause (1) or grant its approval subject to any amendment and/or condition which it may deem expedient, including a condition that the owner of any advertising sign or hoarding or the owner of the land or building on which such advertising sign or hoarding is to be erected and displayed, or both such owners, indemnify the Council to its satisfaction against any consequences flowing from the erection, display or mere presence of such advertising sign or hoarding.

(8) The Council shall without delay and in writing notify the applicant, an objector or any person who has made representations, of its decision taken by virtue of sub-clause (7).

(9) Every application, plan, drawing and other document submitted in terms of these By-Laws shall on approval be retained by the Council for its records.

(10) Any sign or advertising hoarding for which approval has been granted in terms of sub-clause (7), shall be erected and displayed in accordance with any plan, drawing or other document approved by the Council and any condition imposed in terms of that sub-clause; the Council shall be notified once any approved advertising sign or hoarding has been erected.

(11) Notwithstanding anything contained in this By-Law, any advertising sign or hoarding which complies to the Council's satisfaction, with the considerations referred to in sub-clause (6)(a), may be approved by the Council.

(13) Advertising signs and hoardings approved in terms of Clause 2(7) will conform to the design requirements set out in Clause 28,

3. WITHDRAWALS OR AMENDMENT OF COUNCIL'S APPROVAL

(1) The Council may, at any time, withdraw an approval granted in terms of Clause 2(7) or amend any condition or impose a further condition in respect of such approval, if in the opinion of the Council an advertising sign or hoarding:

- (a) Will be or become detrimental to the environment or the amenity of the neighbourhood by reason of size, intensity of illumination, quality of design or materials or for any other reason;
- (b) Will constitute or become a danger to any persons or property;
- (c) Will obliterate other signs, natural features, architectural features or visual lines of civic or historical interest.

(2) Should an approved advertising sign or hoarding not be erected within six (6) months from approval or within a time specified in the approval granted, the approval will lapse.

(3) Should the information requested by the Council to process a signage application not be provided within a three-month period from the date of the request, the application shall be regarded withdrawn.

4. EXEMPT SIGNS

(1) The following signs shall be exempt from the provisions of Section 2 but shall comply with all other provisions of this By-Law save for signs contemplated in (a) and (b) which need not so comply:

- (a) any sign displayed in an arcade;
- (b) any sign displayed inside a building;

- (c) any sign displayed on an approved advertising hoarding;
- (d) any sign advertising a current event in places of public entertainment, displayed in a fixture or building especially made for such display;
- (e) any sign not exceeding the sizes specified hereunder, which is displayed on a site where a building, swimming pool, tennis court, paving, fencing or garden landscaping or any other structure is in the course of being constructed, erected, carried out or altered and which describes the building or structure being erected or other work or activity being carried out, and which displays the names of the contractors or consultants concerned in such work or activity and identifies the branches of the industry or the professions represented by them, during the course of such construction, erection, carrying out of alterations as the case may be: Provided that only one such sign, or set of signs shall be permitted per street frontage of a site; and which is placed on or affixed to the building concerned or attached parallel on the boundary fence of the erf on which the building is situated. Such signs are to be removed within 21 days of the completion of the contract. Signage for ongoing maintenance contracts is not permitted;
 - (i) Project boards, 6m² and with a maximum erected height of 6m, giving the names of Architects, Consultants and Contractors;
 - (ii) Individual Contractors and Sub-Contractor's Board: 2m². ;
- f) any sign, other than a sign provided for in paragraph (e), not exceeding 12m², and not exceeding a maximum erected height of 6m, which portrays or describes the type of development being carried out on a site and which gives details of the type of accommodation being provided, floor space available, the name, address and telephone number of the developer or his agent, erected during construction work or the carrying out of alterations or additions as the case may be and remaining for a period not exceeding 2 months after the completion of such work;
- (g) a sign on a street frontage of a building occupied by shops, showrooms or other business uses as defined in the relevant Town Planning Scheme, other than a sign in an office park area, which is below the level of the ground floor ceiling and which is displayed on or fixed to the face of a building or suspended from the soffit of a canopy or verandah roof;
- (h) a sign consisting of a 600mm x 450mm metal plate or board permitted in terms of Clause 14;

(i) any flag hoisted on a suitable flag pole which displays only a company name and motif. A maximum of 5 flag poles of 7m in height is permitted unless specific permission has been applied for as contemplated in terms of Clause 2 for more than 5 flag poles;

j) any sign in a locality wholly or mainly used for residential purposes, other than a brass plate or board not exceeding 600mm x 450mm in size, affixed indicating the name, address and telephone number of a security company contracted to protect the property, provided that only one sign per stand or subdivision shall be permitted and such sign shall be firmly affixed to the boundary wall, fence or gates on the street frontage;

(k) one sign not exceeding 600mm x 450mm in size on each street boundary of an erf or portion of an erf which sign indicates the existence of a commercial security service, burglar alarm system etc.

(l) a sign not exceeding 2m², indicating the existence of a Block or Neighbourhood Watch System, displayed on a boundary wall or fence or in a position approved by the Council. If erected on its own pole(s), the minimum underside clearance of the sign above the pavement must be 2.1m.

(2) The owner of the building or property on which a sign contemplated in sub-section (1) (g) is displayed, shall indemnify the Council against any consequences flowing from the erection, display or mere presence of the sign.

(3) Any sign which does not comply with the provisions of this By-Law and which was lawfully displayed on the day immediately preceding the date of commencement of this By-Law shall be exempt from the requirements of this By-Law if the sign in the opinion of the Council is properly maintained and is not altered, moved or re-erected as contemplated in section 2(2).

(4) Road traffic signs erected in terms of any national or provincial legislation are exempt from the provisions of this By-Law.

(5) Any sign erected as a specific requirement in terms of any By-law, Provincial Ordinance or Act of Parliament is exempt from this By-Law.

(6) Any transit sign, which is mobile at all times and complies with all requirements of the Road Traffic Act is exempt from this By-Law.

5. PROHIBITED SIGNS

No person shall erect or cause or permit to be erected or maintained any of the following signs:

- (1) Any sign painted on the roof of a building or painted on, attached to, or fixed between the columns or posts of a verandah.
- (2) (a) any sign which projects above or below any fascia, bearer, beam or balustrade of a street verandah or balcony;
(b) any luminous or illuminated sign which is fixed to any fascia, bearer, beam or balustrade of any splayed or rounded corner of a street verandah or balcony.
- (3) Any sign suspended across a street unless otherwise approved by Council.
- (4) Any sign on calico, paper mache, plastic, woven or similar material or of any kind whatsoever, except those provided for in terms of Clause 20 or unless consisting of flexface within an approved advertising sign.
- (5) Any swinging sign, which is a sign not rigidly and permanently fixed.
- (6) Any sign which may either obscure a road traffic sign, be mistaken for with or interfere with the functioning of a road traffic sign.
- (7) Any sign which may obscure traffic by restricting motorists' vision and lines of sight thus endangering motorists' safety.
- (8) Any sign which is indecent or suggestive of indecency, prejudicial to public morals or is reasonably objectionable.
- (9) Any sign which will obstruct any window or opening provided for the ventilation of a building or which obstructs any stairway or doorway or other means of exit from a building or which will prevent the movement of persons from one part of a roof to another part thereof.
- (10) Any animated or flashing sign the frequency of the animations or flashes or other intermittent alternations of which disturbs the residents or occupants of any building or is a source of nuisance to the public or impairs road traffic safety.

- (11) Any illuminated sign, the level of illumination of which unreasonably disturbs the residents or occupants of any building or is a source of nuisance to the public.
- (12) Any movable temporary or permanent sign other than those specifically provided for in this By-Law.
- (13) Any sign referring to a price or change in price of merchandise except in a shop window, or on the article itself.
- (14) Any advertisement or sign other than an exempted sign, for which neither a permit nor approval has been obtained.
- (15) Any poster otherwise than on a hoarding legally erected for the purpose of accommodating such poster.
- (16) Any sign or signs, the total area of which exceeds 30m², painted or fixed on a wall of a building not being a front wall of such building,
- (17) Any sign painted on any fence or boundary wall, not being an approved sign or hoarding.
- (18) Any sign which does not comply with the requirements of or which is not permitted by this By-Law.
- (19) Any sign which may obstruct pedestrian or vehicular traffic.
- (20) Any form of flyposting on private or Council, property or assets.
- (21) Any transit advertising sign that is parked irrespective of whether it is attached to a vehicle or not.
- (22) Any poster or sign attached to a tree.
- (23) Any poster attached or pasted to a bridge.
- (24) Any temporary sign for commercial or third-party advertising erected on Council land or land vested in the Council, unless by prior signed encroachment agreement or contract with the Council.
- (25) Any sign attached to a bridge or any other Council asset, unless by prior signed agreement or contract with the Council.
- (26) Any third party advertising sign on any property zoned "Residential" in terms of the relevant Town Planning Scheme whether secondary rights or not have been granted by Council and which are exercised on the erf.
- (27) Any sign or poster attached to a Road Traffic Sign.

6. SIGNS SUSPENDED UNDER VERANDAHS OR CANOPIES

Every sign, which is suspended from a verandah or a canopy, shall comply with the following requirements:

- (1) Unless the Council otherwise permits, having regard to the design of the verandah or canopy and its associated building and to the position of the building in relation to the street boundary of the erf, the sign shall be fixed with its faces at right angles to such boundary.
- (2) No part of the sign shall project beyond the outer edge of the verandah or canopy from which it is suspended.
- (3) No part of the sign shall be less than 2.4m above the surface of the sidewalk or ground level immediately below it, nor should the top of the sign be more than 1 m below the canopy or verandah from which it is suspended nor shall any sign exceed 1m in depth.
- (4) Unless the Council in writing otherwise permits, the bottom edge of the sign when suspended shall be horizontal and the supports by means of which the sign is suspended, shall be an integral part of the design of the sign.

7. SIGNS ON VERANDAHS AND CANOPIES OVER STREET

- (1) Save as herein before provided with regard to hanging signs, every sign affixed to or onto a verandah over a street shall be set parallel to the building line.
- (2) Such signs shall not exceed 600mm in depth and shall be fixed immediately above the eaves of the verandah roof in such manner as not to project beyond the rear of the roof gutter or shall be fixed against but not above or below the verandah parapet or balustrade in such manner as not, to project more than 230mm from the outside face of such parapet or balustrade: Provided that
 - (a) a sign on a public building fixed to or on a verandah over a street and which displays only the features or programme of an entertainment to be given in such public building shall:
 - (i) have a maximum area of 1m in the aggregate for every 1.5m or part thereof of the frontage of such building to the street over which the sign is erected;
 - (ii) not exceed 1.2m in height.

- (b) nothing in this Clause contained shall be taken to prohibit the painting of signs not exceed 600mm in depth on beams over verandah columns, or on parapets of verandahs;
- (c) no illuminated sign or sign designed to reflect light, shall be attached to or displayed on any splayed or rounded corner of a verandah or canopy at a street intersection.

8. PROJECTING SIGNS

- (1) All projecting signs shall be set at right angles to the building line and shall be fixed at a height of not less than 2,75m above the pavement.
- (2) Save as is provided in sub-clause (3), no projecting signs shall exceed 600mm in height, nor project more than 900mm from the building to which they are attached.
- (3) Notwithstanding the provisions of sub-clause (2), larger projecting signs may be erected: Provided:
 - (a) the owner of the building or the person for whom the sign is being erected shall make application for and assume at responsibility in connection with such sign, including maintenance, an annual inspection to satisfy himself regarding its safety and liability for all loss or damage caused to any person or property by reason of or in any way arising out of the erection, maintenance or existence of such sign;
 - (b) the design thereof shall be to the satisfaction of the Council, and it shall comply in all respects with this By-Law;
 - (c) such sign shall be fixed at right angles to the street and the front of the building upon which it is erected;
 - (d) such sign shall be constructed of metal framing and covered with metal sheeting and shall not exceed 300mm in depth from face to face;
 - (e) such sign shall not exceed a mass of 450kg or 675kg in the case of a sign consisting only of the name of a central public entertainment building;
 - (f) such sign shall not exceed 9m in height or 1.5m total projection from the building, or in the case of a sign consisting only of the name of a central public entertainment building, 14m in height and 1.8m in total projection from the building: Provided that this paragraph shall not apply to any sign which has been erected prior to the date of the publication hereof;

- (g) the sign shall be supported, by at least four iron brackets properly fixed to the building, any two of which shall be capable of carrying the whole mass of the sign, together with wind pressure, against which pressure the sign shall be satisfactorily braced and stayed;
- (h) upon receipt of a notification by the Council under the hand of the Building Control Officer that such sign is unsafe, it shall be removed forthwith by the applicant without any compensation by the Council whatsoever;
- (i) the owner of such sign shall sign a form declaring himself to accept, and be bound by, the above conditions.

9. PYLON SIGNS

- (1) For the purposes of this section the word "pylon" includes any pylon, mast, tower or similar structure to which a sign is attached, supported, displayed or which is constructed as a sign.
- (2) Every pylon shall be independently supported and for that purpose be properly secured to an adequate foundation in the ground and be entirely self supporting without the aid of guys, stays, brackets or other restraining devices.
- (3) The dimensions of a pylon and its associated pylon sign shall be such that the entire assembly, whether stationary or actuated, can be contained wholly within a notional vertical cylindrical figure having a diameter of 9m and a height of 12m. or such dimensions as the Council may require.
- (4) No activated or protruding part of a pylon or of a pylon sign shall be less than 2.4m above the highest point of the existing ground level immediately below such pylon or sign or such other height as the Council may require.
- (5) The Council may consider on merit a request by the owner of a property which adjoins Council road reserve to erect a pylon solely for the display of the name of the business/es conducted at that particular property. An encroachment agreement shall be signed with the Council setting out the period and fee payable. The Council shall be indemnified against any claims.

10. SIGNS INDICATING THE DEVELOPMENT OF A TOWNSHIP OR PROPERTY

(1) No sign referring to the laying out or development of any land as a township or to the disposal of any erven in a township or a property development shall be erected prior to the land-use rights being promulgated.

(2) No sign referring to the laying out or development of any land as a township or to the disposal of any erven in a township or a property development shall exceed 12m², with a maximum erected height of 6m.

(3) Any approval granted in respect of such a sign in terms of sub-section 2, shall lapse after the expiry of one year after the date of such approval, unless an extension has been granted by the Council.

(4) The sign must be located on the site of the proposed township or property development.

(5) The Council may approve a larger sign or hoarding for a particular development after taking into consideration the size of the development which must be 5ha or larger on condition that approval shall lapse after the expiry of one year after the date of such approval.

(6) All signs must be removed within three months of a development being completed or occupied.

11. SIGNS FLAT ON BUILDINGS

(1) The total area of any sign placed flat on the front wall of a building facing a street shall not exceed 20m² for every 15m of building frontage to the street which such sign faces with a maximum area of 200m².

(2) The maximum projection of a sign referred to in sub-clause (1) over the footway or ground level shall be 75mm where such sign is less than 2,4m above the sidewalk or ground level immediately below such sign and 230mm where such sign is more than 2,4m above such footway or ground level

(3) Signs placed flat on a wall of a building not being a wall contemplated in sub-clause (1), shall not exceed 20m² in total area, unless located in a commercial or industrial zone.

(4) Notwithstanding the provisions of sub-section (1) and (3), the Council may where it considers it desirable in the interests of the aesthetic appearance of the building/wall on which the sign is placed or of the neighborhood of such building/wall, permit or require the dimensions of any such sign to be greater than those prescribed.

12. REQUIREMENTS FOR SKY SIGNS

(1) Two or more sky signs placed one above the other, whether or not in the same vertical plane shall, for the purposes of, this section, be deemed to be one sign.

(2) In areas of maximum or partial control every sky sign shall be set against a screen complying with the requirement of section 13..

(3) No part of a sky sign shall protrude beyond, above or below the edge of the screen required in terms of sub-section (2).

(4) If the number of storeys contained in that part of a building which is directly below a sky sign as set out in column 1 of the following table, the maximum vertical dimension of such is recommended not to exceed the dimension specified opposite such number in column 2 of that table:

Number of Storeys Below Sign	Maximum Vertical Dimension
One or two storeys	1.5m
Three or four storeys	2.0m
Five or six storeys	3.0m
Seven or eight storeys	4.0m
Nine or more storeys	5.0m

(5) A skysign with dimensions other than the above table will be considered by Council on its merits.

13. SCREENS FOR SKY SIGNS

Every screen for sky sign required in terms of section 12(2) shall comply with the following requirements:

- (a) (i) Subject to the provisions of subparagraph (ii), every screen shall be so arranged and constructed as to form a continuous enclosure effectively concealing the frame and the structural components of the sky sign and the screen from view and, if the Council so requires, from adjacent or neighbouring properties;
- (ii) if, in the opinion of the Council, the walls of any contiguous buildings are of such height and construction that they will effectively conceal and do not contain openings overlooking the frame and structural components referred to in subparagraph (i), the Council may, subject to any condition it deems expedient, relax the requirement of that subparagraph requiring the provision of a continuous enclosure;
- (b) unless the Council allows otherwise, no part of the screen shall protrude beyond the perimeter of the building on which it is constructed;
- (c) the gap between the bottom of the screen and that part of the building immediately below it shall not exceed 100mm;
- (d) the vertical dimension of every such screen shall not exceed one-and-one-half times the vertical dimension of the sky sign as contemplated in Clause 12(4): Provided that if the screen also encloses a lift motor room, tank or other structure on the roof of the building, the vertical dimension of the screen may be increased to the same height as such room, tank or structure;
- (d) if the material of which the screen is made has an open mesh or grid formation, the openings in such mesh or grid shall be uniform, the aggregate area of the openings shall not exceed 25% of the area of the screen and no dimension of any such opening shall exceed 100mm: Provided that the Council may allow the erection of a screen of louvre design if it will ensure the effective concealment as required in terms of paragraph (a)(i)

14. SIGNS ON BUILDINGS USED FOR RESIDENTIAL PURPOSES

(1) A single sign containing the name only of any building used for residential purposes other than a dwelling house, and a sign consisting of a 600mm x 450mm brass or other metal plate displaying the name of the company owning or managing such building, its logo and telephone number, may be displayed.

(2) A sign contemplated in sub-clause (1) shall:

(a) be fixed to or built into one or more walls of the building or a freestanding wall or boundary wall of the property;

(b) not be internally illuminated;

(c) be limited to one each of the signs referred to in that sub-clause per street frontage of the property concerned.

(3) A sign consisting of a 600mm x 450mm metal plate or board indicating the name and profession or occupation of the occupant may be affixed to the boundary wall or fence, or the entrance door of a dwelling house or dwelling unit, or to a wall in the entrance hall of a building used for residential purposes.

(4) Where a business or profession is conducted from a property in a predominantly residential area by consent of the Council, or in terms of an Amendment Scheme (rezoning) a sign not exceeding 2m², advising the public as to the nature of the business or profession conducted on the premises, may be erected as an element of a street-facing boundary wall. Any sign so erected shall form an aesthetically integral portion of the architecture of either the street-, facing boundary wall or a substantial architecture element designed to the satisfaction of the Council on the boundary of the property in question. The sign so erected shall not, in the opinion of the Council, detract from the residential character of the neighborhood or have a negative impact on the market value of adjacent residential properties

15. SIGNS ON AWNINGS

A sign containing only the name of a hotel, shop or restaurant may be displayed on an awning of approved material.

16. SUN-BLINDS

- (1) All sun-blinds shall be so made and fixed as to be incapable of being lowered to within 2m of the footway or pavement.
- (2) Except at street intersections, sun-blinds shall only be placed parallel to the building line.
- (3) At street intersections, sun-blinds, both new and existing, shall be so placed that they shall not cause any interference with vehicular or pedestrian traffic, traffic lights, street name plates or other notices for the guidance of the public.

17. SIGNS NOT TO BE FIXED TO VERANDAH COLUMNS

No sign of any description shall be fixed to street verandah posts or columns.

18. SIGNS REGARDED AS TENANCY AT WILL

- (1) Any person erecting or possessing signs on or over any street, footway or pavement shall be regarded a tenant at will of the Council in respect of such signs and, if instructed by the Council to remove any or all of them, shall do so either within 14 days if the sign is fixed to a pole or other structure, or immediately if the sign is free standing and portable, without any compensation either for direct, indirect or consequential damages.
- (2) The Council may remove such signs in the event of non-compliance with such instruction or if they are not in accordance with this By-Law, and the expenses of such removal shall be recoverable in the ordinary process of law from the owner of the building or from the person to whom the signs belong.

19. ADVERTISEMENTS ON BANNERS OR SIMILAR ITEMS

- (1) Subject to the provisions of section 4(1) and (2) no advertisement shall be displayed on any banner, streamer, flag, paper, paper mache, plastic sheet or other similar pliable material or on calico or other woven material, without the written permission of the Council, subject to such conditions as the Council may deem expedient.

(2) Permission in terms of sub-clause (1) shall only be granted for an advertisement relating to a function or event conducted for religious, educational, social welfare, animal welfare, sporting, civic or cultural purposes or to a function or event relating to a Local Government, Provincial or National election or referendum.

(3) Every application for permission in terms of sub-clause (1) shall be in terms of the tariff of charges as determined by Council in respect of each advertisement to which the application relates.

(4) The Council or its authorised agent may, without notice, remove and destroy any advertisement contemplated in sub-clause (1) which is displayed in contravention of this Clause.

(5) Every person to whom permission has been granted in terms of sub-clause (1) shall ensure that the following requirements are complied with:

(a) not more than five advertisements shall be displayed in respect of one function or event and with no more than one advertisement per street front;

(b) every advertisement shall be attached to or suspended between poles or other supports on the site on which the function or event is to be held;

(c) every advertisement shall be so attached so as not to interfere with, or constitute a danger to passing vehicular or pedestrian traffic;

(d) no advertisement shall be displayed for more than one week before the date of the function or event advertised nor shall any such advertisement be permitted to remain in position for more than three days after the conclusion of such function or event.

(6) No banner approved in terms of this Clause may be larger than 6m².

20. ADVERTISEMENTS ON BALLOONS

The Council may, for the purpose of considering an application for approval in terms of section 2 of a sign to be displayed on a tethered balloon for a period not exceeding four days and being airborne only during daylight hours, have regard to:

(a) the period for which the balloon will so be used;

(b) the size of the balloon;

(c) the strength of the anchorage and of the anchoring cable;

- (d) the provision of a device by means of which the balloon will automatically so deflate as to sink slowly to the ground in the event of the failure or severance of the anchorage or anchoring cable;
- (e) the possibility of interference with traffic, pedestrian or vehicular;
- (f) any requirement or condition prescribe by the Department of Civil Aviation, including the maximum permissible height to which the balloon must be restricted;
- (g) the location of the balloon.

21. PAINTED ADVERTISEMENTS

- (1) Subject to the approval of the Council in terms of section 2, the name of any person or company carrying on business in a building may be painted directly on any approved wall of such building.
- (2) Subject to the approval of the Council in terms of section 2 murals with advertising painted directly onto any approved surface may be considered on merit.

22. TEMPORARY SIGNS AND ADVERTISING

- (1) Signs relating to the letting or selling of property, complying with the following requirements, may be displayed without the approval of the Council:
 - (a) any sign not exceeding 600mm x 450mm in size containing the words "for sale" in respect of any dwelling house or residential building and which in addition may display only the name, address and telephone number of the selling agent, and which is placed on or fixed to the building concerned, is attached parallel to a boundary fence of the erf on which the building is situated or is otherwise displayed within the boundaries of such erf. Such signs shall be limited to one sign per agent with a maximum of, three signs per erf;
 - (b) any one sign per street frontage not exceeding 600mm x 450mm in size, which contains only the word "Sold" in respect of any dwelling house, or residential building, and which:
 - (i) is displayed only after all signs referred to in paragraph (a) have been removed;

- (ii) is placed on or fixed to the building concerned, or is attached to a boundary fence of the erf on which the building is situated or is otherwise displayed within the boundaries of such erf;
- (c) any sign not exceeding 6m² fixed flat on the facade of a non-residential building which contains only the words "For Sale" or "To Let" and the name, address and telephone number for the selling or letting agent, or only the lettering for the word "Sold" with a maximum of one sign per building for a period not exceeding three months.
- (d) any sign not exceeding 600mm x 450mm in size, displayed on a vacant residential erf and which displays only the words "For Sale" and the name, address and telephone number of the owner or his agent, or only the word "Sold". Such signs shall be limited to one sign per agency with a maximum of three agencies per erf for a maximum period of two months;
- (e) Any sign not exceeding 6m² in size on a vacant non-residential erf and which displays only the words "For Sale" or "To Let" and the name, address and telephone number of the owner or his agent or only the word "Sold" and no other wording whatsoever with a only one sign per erf for a maximum period of three months.
- (f) any directional sign displayed by the Automobile Association of Southern Africa or any other approved body advertising a particular event.
- (2) Any sign, or banner not exceeding 4m² and not more than 3m above the ground, containing letters, figures, advertising emblems or devices, not exceeding 150mm in height, relating solely to an entertainment, meeting, auction or a sale to be held upon or in relation to a certain site, may be displayed upon such site: provided that such sign or banner shall not be displayed for more than one week before the function or event, the date of which must be displayed on the sign or banner, nor remain in position for more than three days after the conclusion of the function or event,
- (3) Any selling or letting board(s) requiring the approval of the Council in terms of Clause 2(1) must conform to the design regulations currently in force with these Bylaws.
- (4) To consider at the Council's discretion temporary advertising on Council land or land vested in or controlled by the Council for a period not exceeding 30 days for special event signs.

23. SIGNS ON AND OVER STREETS

(1) Every person owning, displaying or causing to be displayed a sign which, or any part of which, overhangs, or is placed on any street shall, on being instructed by notice in writing by the Council to do so, remove it within twenty four hours from the date of such instruction or within such longer period specified in such notice without payment of any compensation.

(2) In the event of non-compliance with an instruction in terms of sub-clause (1), the Council may itself remove the sign concerned and may recover the cost thereof from the person or persons, jointly and severally, to whom a notice in terms of sub-clause

(1) was addressed and such persons shall not be entitled to any compensation.

24. BILLBOARDS

(1) Any billboard displayed may not:

- (a) be in conflict with any applicable National Legislation, or local By -laws;
- (b) be detrimental to the nature or the environment in which it is located by reason of abnormal size, intensity of illumination or design;
- (c) be in its content objectionable, indecent or insensitive to any section of the public or to any religious or cultural groupings or the like;
- (d) unreasonably obscure partially or wholly any sign previously erected and legally displayed;
- (e) constitute a danger to any person or property.
- (f) encroach the boundary line of the property on which it is erected.

(2) On road intersections

- a maximum of 2 single-sided advertising boards per intersection may be permitted.

(3) Spacing of billboards shall be at the discretion of the Council having regard to safety, aesthetics, environmental, local area frameworks and other considerations.

(4) Billboards in rural areas shall be erected in such a way as not to obstruct one another, be of even height wherever possible and evenly spaced.

(5) Where in the opinion of the Council, a sign alley has been created the spacing of billboards shall be at the discretion of the Council.

(6) For Safety conditions:

Billboards shall be erected and serviced to comply with the following conditions:

(a) Signalised intersection -

(i) they shall not have as main colours, red, amber, green and the advertising sign to be well clear of the signal heads;

(ii) they shall not obscure or interfere with any road traffic light or sign;

(b) Illumination -

Illumination of billboards is permitted provided such illumination does not constitute a road safety hazard or cause undue disturbance.

(c) Erection and servicing on public roads -

The traffic flow should not be impeded during erection and servicing of a billboard on a public road unless prior permission has been obtained and the necessary precautions arranged.

(d) Prohibited areas on motorways -

Billboards may be permitted within specified distances of on and off-ramps of motorways and overhead traffic directional signs where a curve in the road renders the billboard not to interfere with a clear and undistracted view of the directional traffic sign.

(7) Site identification –

Sign owner's name or logo must be clearly displayed.

(8) aintenance -

Conduct regular site inspections to ensure the good condition of boards. Traffic flow should not be impeded during the servicing of a billboard on a public road unless prior permission has been obtained and the necessary safety precautions arranged.

(9) ize per copy - At the Council's discretion to a maximum of:

Areas of partial control - 40m²

Areas of minimum control - 81m²

(10) An application fee as determined by Council is payable.

(11) The height of a billboard shall not exceed 12m unless otherwise approved by Council.

25. TRANSIT SIGNS

- (1) Transit advertising signs shall only, be permitted to be displayed if mobile at all times and comply with all requirements of Road Traffic legislation.
- (2) The parking of a transit advertising sign on Council or private property for the purposes of third-party advertising is prohibited.
- (3) Transit advertising signs parked on private property for the purpose of storage shall be positioned in such a manner as not to be visible from a street or public place.
- (4) Notwithstanding the provisions of sub-clauses (1), (2) and (3) or otherwise in contravention of this By-Law, the Council or its authorised agent may, without prior notice, carry out the removal and impoundment of such transit advertising sign.
- (5) A transit advertising sign impounded by the Council may be released in terms of section 33(5)(a) within a period of 3 months of notification or such sign shall be disposed of by Council to defray any fines or removal costs involved.
- (6) A transit advertising sign impounded by the Council shall only be released after the removal cost and fine are settled in full and a copy of the current license registration papers have been submitted for verification.

26. POSTERS

- (1) (a) No person shall in, or in view of, any street display or cause or allow it to be displayed any poster unless he has first obtained the written permission of the Council;
- (b) No permission shall be given for the display of any poster concerning any commercial undertaking or activity or concerning any activity which, in the opinion of the Council, is primarily or mainly of a commercial character.
- (2) Every application for permission required in terms of sub-section (1) shall be accompanied by an application fee or a deposit as determined by Council, and written details of the location and streets in which the posters are to be displayed and all the posters to which the application relates:

(3) every poster for which permission is granted in terms of sub-section (1) shall be provided with a Council sticker and only posters with the Municipality stickers affixed or approved Municipality's markings shall be displayed,

(4) the Council shall be entitled to retain one such poster for identification purposes.

(5) Any person who displays or causes or allows to be displayed in or in view of a street, a poster, for which permission has been granted in terms of sub-clause (1), shall ensure that the following requirements are complied with.

(a) no poster shall be so displayed that any part of it is lower than 2.1m or higher than 3m above the sidewalk or ground level immediately below it;

(b) no poster displayed by any person shall be indecent, or suggestive of indecency, prejudicial to public morals or reasonably objectionable;

(c) no poster shall be displayed on motorways including on and off-ramps;

(d) every poster other than a parliamentary, provincial or municipal election or referendum poster shall be displayed in a permanent frame or other approved backing, of a design and in a predetermined location approved by the Council. The maximum size for frames shall not exceed Advertising posters 900mm high x 600mm wide; (A1 size)

Press posters 600mm high x 450mm wide. (A2 size)

(e) every parliamentary, provincial or municipal election or referendum poster shall be attached to a board made of wood, hardboard, correx or other approved weatherproof material, in such a manner that it will not become wholly or partially dislodged by wind or rain, and neither the board nor poster shall exceed 900mm high x 600mm wide or be less than 600mm high x 450mm wide, and secured only to an electric light standard erected by the Council or the State in a street or public place: Provided that such board is secured to such light standard by means of stout string or plastic ties only (no securing material with a metal content is permitted);

(f) the 'frame' referred to in paragraph (d) shall not be placed on or against or attached to or otherwise supported by any transformer box, telegraph pole, tree, road traffic sign or other sign or object with the exception of an electric light standard erected by the Council or the State in a street or public place, provided such frame is secured to such light standard in such a manner (to the approval of the Council) that it will not become or wholly or partially dislodged by wind or an other means, and positioned in such a manner that it does not obscure or interfere with the electrical inspection chamber or pole identification number or impair the safety of motorists or

pedestrians, maximum of 2 frames per pole. No frame shall be erected within 10m of a traffic signal unless the prior approval of the Council has been obtained;

(g) no poster relating to a meeting, function or event, other than a National, Provincial or Municipal election or referendum shall be displayed for longer than ten days before the date on which such meeting, function or event begins or longer than four days after the date on which it ends;

(h) subject to the discretion of the Council, not more than 2000 posters shall be displayed at any one time in relation to any meeting, function or event, other than a National, Provincial or Municipal election or referendum or a meeting relating to an election or referendum;

(i) in respect of each candidate not more than 1000 posters or other advertisements shall be exhibited at any one time in any municipal ward or as otherwise directed by Council; in respect of a referendum not more than 5000 posters or other advertisements per registered political party shall be so exhibited in the municipal area of the Municipality or otherwise directed by Council.

(j) the details of the event, the commencement and final date of the event and the venue with address where it is to be held must appear on the posters in letters not less than 50mm in height and 10mm in thickness, with all other information pertinent to the event in letters not less than 30mm in height and 5mm in thickness;

(k) the commercial content of the poster may not exceed 20% of the area of the poster nor may such commercial lettering be larger than the main lettering in the remainder of the poster;

(l) the posters may not have a display period of more than 28 consecutive days for any event advertised.

(m) the display of posters on any bridge or in sensitive areas identified by the Council, is prohibited.

(n) the display of auction posters shall only be within the area of jurisdiction of the Municipality, duly authorised by the Sheriff of the Court, to a maximum of 40. The Case Number or Masters Reference Number must be displayed on the poster. A writ is to be produced on submission.

(o) the display of political posters not directly for the purposes of a National, Provincial or Municipal election or referendum, shall be regarded as advertising.

(6) The provisions of sub-clause (2) shall not apply in respect of a poster relating to an election, or a referendum, which:-

- (a) is placed entirely inside private premises;
 - (b) is displayed in or on a motor vehicle;
 - (c) is displayed at the committee room clearly marked as such, of a candidate in an election; or
 - (d) fixed to an advertising hoarding for which approval has been granted in terms of Clause 2.
- (7) Any poster which is displayed without permission or in contravention of this Clause may without notice be removed and destroyed by the Council or persons appointed by the Council. Any costs incurred by the Council in the removal will be borne by the person who displayed the poster or caused, or allowed it to be displayed.

27. FIXING OF SIGNS AND HOARDINGS

- (1) All signs and hoardings shall be properly constructed of the requisite strength and shall, be securely fixed to the satisfaction of the Council.
- (2) The person by whom such signs and hoardings are erected and the owner of the fixture on which or to which they are attached shall assume all liability and responsibility in connection therewith, including maintenance, and shall undertake at least one annual inspection thereof with a view to satisfying themselves as to the safety thereof.
- (3) Every sign or hoarding shall be repainted and cleaned regularly in order to prevent them from becoming unsightly.
- (4) The Council may require certification by a person as defined in section 2(5) that the installation is structurally safe.

28. DESIGN REQUIREMENTS FOR SIGNS

Regulations for Clause 2(12)

(1) Definitions

"An item of information" on a sign means a syllable, an initial, a symbol or logo, an abbreviation, a group of numbers (e.g. a telephone number), a broken plane (i.e. more than one geometric shape or background area) and a graphic feature.

(2) Design requirements

(a) No information sign may contain more than 10 items of information: Provided that in the case of establishments with long names, such names should not be counted as more than 4 items of information provided that they appear only once per street frontage and the lettering is of the same size, style, colour and typeface.

(b) Lettering 70mm in height or less will not be counted as an item of information.

(c) Architectural letters less than 500mm in height and carved into the material of a building or attached securely to it are not counted as items of information: Provided that:

(i) the letters are not specially illuminated;

(ii) the letters are not constructed of a shiny material;

(iii) the colour of the letters does not contrast sharply with that of the building's surface;

(iv) the letters do not exceed 50mm in thickness.

Any sign requiring approval in terms of section 22 and which is required to conform to Clause 22(3) may be exempt from submitting further individual applications in instances where a prototype sign format was approved by the Council.

29. MATERIALS FOR ADVERTISING SIGNS, HOARDINGS, SCREENS AND SUPPORTING STRUCTURES

(1) All iron or steel used in any advertising sign, hoarding or screen referred to in section 13 or as means of support for such sign, hoarding or screen shall be painted or otherwise effectively protected against corrosion.

(2) No water soluble adhesive tape or other similar material shall be used to display or secure any advertising sign elsewhere than on a hoarding or within a fixture referred to in section 4 (1) (d).

30. POWER CABLES AND CONDUITS TO SIGNS

(1) Every power cable and conduit containing electrical conductors for the operation of a sign shall be so positioned and fixed that it is not unsightly.

(2) No advertising sign or hoarding shall be connected to any electricity supply without the prior written permission of the relevant electricity supply authority. Such proof of permission shall be submitted if requested.

31. ERECTION AND MAINTENANCE OF ADVERTISING SIGNS AND HOARDINGS

(1) If, in the opinion of the Council, any advertising sign or hoarding is in a dangerous or unsafe condition or has been allowed to fall into a state of disrepair or interferes with the functioning of any road traffic sign, the Council may serve a notice on an owner requiring him at his own cost, to remove the sign or hoarding or do other work specified in the notice within a period so specified.

(2) The Council may, if in its opinion an emergency exists, instead of serving notice in terms of sub-section (1) or if such notice has not been complied with within the period specified therein, itself carry out the removal of a sign or advertising hoarding or do other work which it may deem necessary and may recover the cost thereof from the owner referred to in sub-clause (1).

(3) The Council shall, should an approved advertising hoarding not display an advertisement or message for a period more than 12 months or as otherwise agreed to by Council, serve a notice on the owner requiring him, at his own cost, to remove the hoarding or to display an advertisement or message within a period so specified.

32. NATIONAL BUILDINGS REGULATIONS

Should any conflict exist between this By-Law and the National Building Regulations and Building Standards Act 103 of 1977, the Act shall prevail.

33. CHARGES

(1) Every person who applies to the Council for its approval or permission shall on making application pay to the Council the charge determined therefore and no application shall be considered until such charge has been paid.

(2) The fines and penalties for offences in terms of section 36 are set out below:

(a) upon conviction of an offence, the guilty party shall be liable to a fine not exceeding R15,000.00 or, in default of payments, to imprisonment for a period not exceeding 12 months;

(b) in the case of a continuing offence, the guilty party shall be liable to a further fine not exceeding R1000.00 for every day during the continuance of such offence;

(3) The cost involved for the removal of unauthorised posters by Council, which cost shall be recovered from the owner of such unauthorized poster(s), will be:

(i) per poster (unpasted) R 100,00

(ii) per poster (pasted) R 500,00

(iii) per poster (flyposter) R1 000,00

(iii) Saturdays relevant charge plus 50%

(iv) Sundays relevant charge plus 100%

(4) Spot fines to a maximum of R5000.00 may be served by duly authorised officials of the Council on offenders for any contravention or failure to comply with the terms of this By-Law.

(5) Any signs or advertising boards which have been removed and impounded but not destroyed by the Council as a result of them not complying with these Bylaws may be released to the original owner at the following rates:

(a) transit advertising signs may be released at the cost of removal with a minimum fee of R500.00 plus R100.00 per square metre of advertising display or part thereof;

(b) for all other signs the charge will be the cost of removal with a minimum of R500.00 plus R50.00 per square metre of advertising display or part thereof;

(c) signs removed and not released within 3 months shall be disposed of by the Council.

34. DAMAGE TO COUNCIL PROPERTY

(1) No person shall intentionally or negligently, in the course of erecting or removing any sign, advertising hoarding, poster or banner cause damage to any tree, electric standard or service or other Council installation or property.

(2) The costs for any repairs necessary will be for the account of persons in terms of Clause 38.

35. ENTRY AND INSPECTION

The Council shall be entitled, through its duly authorised officers, to enter into and upon any premises, at a reasonable time for the purpose of carrying out any inspection necessary for the proper administration and enforcement of the provisions of this By-Law.

36. OFFENCES

Any person who -

(a) contravenes or fails to comply with any provision of this By-Law

(b) contravenes or fails to comply with any requirement set out in a notice issued and served to him in terms of this By-Law;

(c) contravenes or fails to comply with any condition imposed in terms of this By-Law;

(d) knowingly makes a false statement in respect of any application in terms of this By-Law; shall be guilty of an offence and shall on conviction be liable to a fine or imprisonment as set out in Section 33(2)(a), and in the case of a continuing offence to a fine, as set out in Section 33(2)(b), for every day during the continuation of such offence after a written notice has been issued by the Council requiring discontinuance of such offence, and for a second or subsequent offence he shall be liable on conviction to a fine or imprisonment as set out in Section 33(2)(c).

37. PRESUMPTIONS

1. If any person is charged with an offence referred to in Section 36 relating to any design, advertising hoarding or poster:

(a) it shall be deemed that he either displayed such advertising sign, hoarding or poster or caused or allowed it to be displayed;

(b) the owner of any land or building on which any advertising sign, hoarding or poster was displayed, shall be deemed to have displayed such advertising sign, hoarding or poster or caused or allowed it to be displayed;

(c) 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 a sign or poster relates, shall be deemed to have displayed every sign or poster displayed in connection with such meeting, function or event or to have caused or allowed it to be displayed; (d) any person whose name appears on an advertising sign, hoarding or poster shall be deemed to, have displayed such advertising sign, hoarding or poster or to have caused or allowed it to be displayed unless the contrary is proved.

38. REMOVAL OF ADVERTISING SIGNS OR HOARDINGS

(1) If any advertising sign or hoarding is displayed so that in the opinion of the Council it is detrimental to the environment or to the amenities of the neighborhood, or otherwise in contravention of these Bylaws, the Council may request or serve a notice on the owner of the advertising sign or hoarding to remove such advertising sign or hoarding or carry out such alteration thereto or do such work as may be specified in such request or notice within a time specified,

(2) If a person fails to comply with a confirmed request or a notice referred to in sub-clause (1), the Council or its authorised agent may remove such an advertising sign or hoarding.

(3) The Council shall in removing a transit sign, advertising sign or hoarding contemplated in sub-clause (1) not be required to compensate any person in respect of such advertising sign or hoarding, in any way of loss or damage resulting from its removal.

(4) Any costs incurred by the Council in removing a transit sign, advertising sign or hoarding, in terms of sub-section (2) or in doing alterations or other works in terms of this Clause may be recovered from the person on whom the notice contemplated in sub-section (1) was served, or if a deposit has been paid in respect of such advertising sign or the costs may be deducted from the deposit

(5) Notwithstanding the provisions of sub-section (1), (2), (3) and (4) if an advertising sign or hoarding:

(a) constitutes a danger to life or property;

(b) is obscene;

(c) is in contravention of this By-Law and is erected on, attached to or displayed on any property of, or under the control of the Council; the Council may, without serving any notice, remove any such advertising sign or hoarding or cause it to be removed.

39. SERVING OF NOTICES

1. Where any notice or other document is required by these By laws to be served on any person, it shall be deemed to have been properly served if served personally on him or any member of his household apparently over the age of sixteen years at his place of residence or on any person employed by him at his place of business, or if sent by registered post to such person's residential or business address as it appears in the records of the Council, or if such person is a company or closed corporation or a trust, if served on any person employed by that company, closed corporation or a trust, if served on any person employed by that company, closed corporation or trust at its registered office or sent by registered post to such office.

2. Any verbal request for action to be taken in terms of this By-Law shall be confirmed in writing.

40. APPLICATION

(1) The applicant shall cause a notice containing the details of his application as prescribed in Schedule 1 to this By-Law, to be published once a week for two consecutive weeks in an English language – and

one other official language newspaper circulating in the area of the erf or site to which the application relates.

(2) The applicant shall post a notice in English and one other official language in such form as prescribed in Schedule 2 to this By-Law in a conspicuous place and within 3 metres from the proposed sitting of the sign/hoarding or in such other place, form and manner as may be determined by the Council. Such notice shall be maintained by the applicant for a period of at least 14 days from the date of the first publication of the notice contemplated in sub-clause (1) above.

(3) The notice referred to in sub-clause (1) and (2) shall, in addition to containing details as prescribed in the relevant schedules, state that the application documents relating to the application will be open for inspection, from the date of the first publication as contemplated in sub-clause (1) above and at specified times and a specified place at the Council's offices.

(4) The notice referred to in sub-clauses (1) and (2) shall further state that any objection in regard to the application shall be submitted in writing both to the Council and the applicant under cover of registered or certified post or by hand within a period of 14 days from the date of the publication of the first notice contemplated in sub-clause (1). The applicant shall within 14 days from receipt of the objection forward his reply thereto to the local authority.

(5) The applicant shall submit proof to the satisfaction of the local authority that he has complied with the provisions of sub-clause (1) – (4).

(6) All advertising signs and hoardings shall be classified by the Council and above notice shall apply to those classes of advertising signs and hoardings as may be determined by council.

41. HEARING

- (1) Where objections have been lodged in respect of the application, the Council shall, hear the objections or representations.
- (2) Where such objections lodged are to be heard by Council, the council shall determine a day, time and place for the hearing.
- (3) Not less than 14 days prior to the day determined in terms of sub-section (2), the Council shall notify the applicant and every objector of the day, time and place so determined.
- (4) At the hearing the Council shall adopt its own procedure in compliance with the rules of natural justice.

42. APPEALS

- (1) An applicant or objector who is aggrieved by the Council's decision may appeal against that decision and shall give written notice of the appeal including the grounds of appeal to the Municipal Manager within 21 days of the date of the notification of the decision in terms of section 2(8).
- (2) A committee of Councilors who were not involved in the original decision will be the appeal authority.
- (3) Such appeal authority must commence with such an appeal within six weeks from date of the Notice of Appeal and decide the appeal within a reasonable period.

43. TARIFF OF CHARGES: ADVERTISING SIGNS AND HOARDINGS

- (a) In terms of Section 2(1) (i.e. applications or signs set out in Sections 6 to 16 and 20 to 23 inclusive) the approval fee is R50.00 per square metre of advertising display or part thereof, with a minimum fee of R500.00 per application.
- (b) In terms of Section 19(3) (i.e. advertisements on banners or similar items) an application fee of R200.00 is required.

(c) In terms of Section 26(2) (i.e. posters) –

(i) an application fee of R1.00 per poster be paid to permit the display of posters of non-profit bodies only. These posters have to display the fundraising numbers of the bodies or a formal constitution has to be submitted to Council. No commercial advertising and logos of sponsors will appear on posters;

(ii) an application fee of R5.00 per poster with a minimum fee of R200.00 be paid to permit the display of posters for religious, sporting, social and cultural events, with commercial advertising and logos of sponsors. The commercial advertising shall not exceed 20% of the area of the poster, not is any lettering to be larger than any other lettering:

(iii) an application fee of R500.00 per candidate (fully refundable on removal) for a National, Provincial or Municipal election;

(iv) an application fee of R5 000.00 per registered political party. (fully refundable on removal) for a Parliamentary, Provincial or Municipal referendum; and

(d) In terms of Section 24 (Billboards, Spectaculars or any sign in excess of 24sq.m as defined in Section 1) an application fee of R500.00 is required for consideration of approval with a further amount of R100.00 per square metre of advertising display payable for a five year approval by council irrespective of whether the sign is erected on private or Council land.

44. Date of commencement

These by-laws commence on the date of their publication in the Provincial Gazette.

LOCAL AUTHORITY NOTICE 91

MAKHUDUTHAMAGA LOCAL MUNICIPALITY WASTE MANAGEMENT BY-LAWS

Municipal Manager of Makhuduthamaga hereby in terms of Section 13 of the Local Government: Municipal Systems Act, No 32 of 2000 publishes the Waste Management By-Laws for the municipality as said out hereunder.

CHAPTER 1: INTERPRETATION

1. Definitions

For the purpose of these by-laws, any word or expressions to which a meaning has been assigned in the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) shall bear the same meaning in these by-laws, and unless the context indicates otherwise—

“affected person” means a person who has been issued, or who is being issued, with an enforcement notice;

“approved” in the context of bins, bin liners, containers, receptacles and wrappers means approved by the municipality for the collection and storage of waste;

“authorised official” means a person authorised by the municipality in terms of these by-laws to execute work, conduct an inspection and monitor and enforce compliance with these by-laws;

“basic services” means a service provided exclusively by the municipality or its service provider to collect domestic waste, business waste and dailies in accordance with the provisions of the Systems Act and Chapter 4 of these by-laws, and which in the case of business waste extends only to waste deposited in bin liners, bins and 240 litre wheeled bins;

“Bill of Rights” means chapter 2 of the Constitution of the Republic of South Africa, 1996;

“bin” means an approved receptacle for the storage of less than 1, 5 cubic metres of waste which may be supplied by the municipality to premises in terms of these by-laws;

“bin liner” means an approved loose plastic or other suitable material liner for use in the interior of a bin;

“building waste” includes all waste produced during the construction, alteration, repair or demolition of any structure, and includes building rubble, earth, vegetation and rock displaced during such construction, alteration, repair or demolition;

“bulky waste” means business waste or domestic waste which by virtue of its mass, shape, size or quantity is, in the opinion of the municipality, inconvenient to remove in the routine door-to-door basic service provided by the municipality;

“business waste” means waste, other than hazardous waste, healthcare risk waste, building waste, industrial waste, garden waste, bulky waste, recyclable waste and special industrial waste, generated on premises used for non-residential purposes;

“commercial services” means any service, excluding basic services, relating or connected to accumulating, collecting, managing, recycling, sorting, storing, treating, transporting, disposing, buying or selling of waste or any other manner of handling waste;

“container” means an approved receptacle having a capacity greater than 1, 5 cubic metres for

the temporary storage of waste in terms of these by-laws;

“damage to the environment” means any pollution, degradation or harm to the environment whether visible or not;

“dailies” means putrescible waste generated by hotels, restaurants, food shops, hospitals, and canteens that must be collected on a frequent (normally daily) basis, to prevent the waste from decomposing and being either a nuisance or a risk to the environment or public health;

“domestic waste” means waste generated on premises that are used solely for a residential purpose and for the purpose of public worship, but does not include business waste, building waste, garden waste or bulky waste;

“dump” means placing waste anywhere other than an approved receptacle, or a place designated as a waste handling facility or as a waste disposal facility, by the municipality;

“enforcement notice” means a notice issued by an authorised official under section 48 of these by-laws;

“environment” means the surroundings within which humans exist made up of –

- (a) the land, water and atmosphere of the earth,
- (b) micro-organisms, plant and animal life,
- (c) any part or combination of (a) and (b) and the interrelationships among and between them, and
- (d) the physical, chemical aesthetic and cultural properties and conditions of the foregoing that influence public health and well-being;

“environmental emergency” means an unexpected sudden occurrence, including a major emission, fire or explosion leading to serious danger to the public or potentially serious pollution of or detriment to the environment, whether immediate or delayed;

“firm” includes any juristic person or any association of persons established or operating in the Republic of South Africa;

“garden waste” means waste generated as a result of normal domestic gardening activities, including grass cuttings, leaves, plants, flowers and other similar small and light organic matter, but does not include tree branches with a diameter thicker than 40 mm at any point of its length, bulky waste, building waste or any waste generated as a result of garden service activities;

“garden service” means the provision of gardening services by a licensee including the cutting of grass, pruning of trees or any other horticultural activity including landscaping, to any domestic, business, commercial or industrial premises;

“garden waste handling facility” means a waste handling facility that receives and temporarily stores garden waste or any other recyclable waste;

“hazardous waste” means waste containing or contaminated by poison, a corrosive agent, a flammable substance having an open flash-point of less than 90 deg C, an explosive, radioactive material, a chemical or any other waste that has the potential, even in low concentrations, of having an adverse effect on public health or the environment because of its inherent toxicological, chemical and physical characteristics;

“health care risk waste” means all hazardous waste generated at health care facilities such as hospitals, clinics, laboratories, medical research institutions, dental and medical practitioners and veterinarians;

“industrial waste” means waste generated as a result of manufacturing, maintenance, fabricating, processing or dismantling activities, but does not include building waste, business waste, dailies, special industrial waste, hazardous waste, health care risk waste or domestic waste;

“land reclamation” means the planned and engineered disposal of inert or other appropriate waste for the purpose of constructing any facility or changing the natural features of any piece of land;

“level of service” means the frequency of the basic service and the type of service point;

“licensee” means any person who has obtained a licence in terms of Chapter 8 of these by-laws;

“litter” means any object or matter which is discarded by a person in any place except in an approved receptacle provided for that purpose or at a waste handling facility or waste disposal facility;

“local community” in relation to the municipality means that body of persons comprising–

- (a) the residents of the municipality,
- (b) the ratepayers of the municipality,
- (c) any civic organisation and non-governmental, private sector or labour organisation or bodies which are involved in local affairs within the municipality, and
- (d) persons who, despite residing outside the municipality, because of their presence in the municipality, make use of the services provided by the municipality;

“local waste plan” means any integrated waste management planning system which the municipality must develop under national or provincial legislation or in terms of the municipality’s integrated development plan as more fully described in Chapter 2;

“municipality” includes, subject to the provisions of any other law, the municipal manager, but

only if his inclusion is impliedly required or permitted by these by-laws and only in respect of the performance of any function, or the exercise of any duty, obligation or right in terms of these by-laws or any other law;

“municipal manager” means the municipal manager as defined in section 82(1)(a) of the Structures Act;

“National Road Traffic Act regulations” means the regulations made in terms of section 75 of the National Road Traffic Act, 1996 (Act 93 of 1996) and published as Notice 225 in the Regulation Gazette No 6748 of the Government Gazette No 20963 dated 17 March 2000;

“nuisance” means any injury, harm, damage, inconvenience or annoyance to any person which is caused in any way whatsoever by the improper handling or management of waste, including but not limited to, the storage, placement, collection, transport or disposal of waste or by littering;

“occupier” includes any person in actual occupation of the land or premises without regard to the title under which he occupies, and, in the case of premises, or parts of premises, let to a lodger or any other person, includes the person receiving the rent payable by a lodger or any other person whether for himself or as an agent for any other person;

“owner” includes any person that has the title to any premises or land, or any person receiving the rent or profits for allowing the occupation or use of any land, premises or part of any premises, or who would receive rent or profit if land or premises were let or used, whether he does so on his own account or for another;

“panel” means the Licence Adjudication Panel established in terms of section 32 of these by-laws;

“person” means a natural or juristic person and includes a licensee;

“pollution” means any change in the environment caused by—

- (a) substances;
- (b) radioactive or other waves; or
- (c) noise, odours, dust or heat;

emitted from any activity, including the storage or treatment of waste or substances, construction and the provision of services, whether engaged in by any person or an organ of state, where that change has an adverse effect on human health or wellbeing or on the composition, resilience and productivity of natural or managed ecosystems, or on materials useful to people, or will have that effect in the future;

“premises” means an erf or any other portion of land, including any building, or part of a

building on it, or any other structure utilised for business, industrial or residential purposes;

“public place” includes any public building, public road, overhead bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden, park, enclosed space vested in a municipality, and any road, place or pathway or thoroughfare however created which is used by the public or to which the public has a right of use or a right of access;

“public road” means any road, street, pathway, or thoroughfare or any other place (whether a thoroughfare or not) of a similar nature which is commonly used by the public or to which the public or a segment of the public has a right of access and includes—

- (a) any section of such road, street or thoroughfare;
- (b) the verge of any such road, street or thoroughfare;
- (c) any bridge or drift traversed by any such road, street or thoroughfare; and
- (d) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

“radioactive material” means any substance consisting of, or containing, any radioactive nuclide, whether natural or artificial;

“radioactive waste” means any radioactive material which is or is intended to be disposed of as waste;

“reasonable time” means a reasonable time as mentioned in Section 40 (2).

“recyclable waste” means waste which has been separated from the waste stream, and set aside for purposes of re-use or reclamation;

“recycling” means the use, re-use or reclamation of a material so that it re-enters the industrial process rather than becoming waste;

“resident” means in relation to a municipality a person who is ordinarily resident within the jurisdiction of the municipality;

“road reserve” means that portion of a road, street or thoroughfare which is improved, constructed or intended for vehicular traffic and which is between the edges of the roadway, or that portion of a road, street or thoroughfare, including the sidewalk, which is not the roadway or the shoulder;

“SANS Codes” means the South African National Standards Codes or the South African Bureau of Standards Codes as defined in Regulation No. 1373 published in Government Gazette 24002, dated 8 November 2002 in terms of the Standards Act, 1993 (Act 29 of 1993);

“service delivery agreement” means an agreement between the municipality and a service provider in terms of which the service provider is required to provide basic services;

“service provider” means any person who has entered into a service delivery agreement with the municipality in terms of section 81(2) of the Systems Act;

“special industrial waste” means waste consisting of a liquid, sludge or solid substance, resulting from a manufacturing process, industrial treatment or the pre-treatment for disposal purposes of any industrial or mining liquid waste;

“storage” means the storage of waste for a period of less than ninety days;

“Structures Act” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“sustainable development” means the integration of social, economic and environmental factors into planning, implementation and decision-making so as to procure that development serves present and future generations;

“Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

“target” means any desired air, water quality or waste standards contained in any legislation;

“tariff” means the charge to users for the provision of basic services, determined and promulgated by the municipality, or adjusted by a service provider, in terms of Tariff Policy and its By-laws adopted under section 75 of the Systems Act;

“waste” shall not exclude a substance merely because it may be reprocessed, re-used or recycled and shall include—

- (a) any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in a volume, constituency or manner so as to cause an alteration in the environment; or
- (b) any discarded, rejected, unwanted, surplus or abandoned substance; or
- (c) any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, reprocessing, recovery or purification by a separate operation from that which produced the substance, or
- (d) any substance “prescribed” as waste in these by-laws or any other legislation;

“waste disposal facility” means any facility or site which receives waste for treatment or disposal, and which is operated in terms of a permit obtained from the competent national authority, and includes garden waste handling facilities and incinerators;

“waste generator” means any person or firm that generates or produces waste;

“waste handling facility” means any facility that accepts, accumulates, handles, recycles, reprocesses, sorts, stores or treats waste prior to its transfer for treatment by way of

incineration or for final disposal;

“waste stream” means a type of waste, including building waste, business waste, bulky waste, dailies, domestic waste, garden waste, hazardous waste, health care risk waste, industrial waste, recyclable waste; and special industrial waste;

“workplace” means any place within the municipality on or in which or in connection with which, a person undertakes basic services or commercial services; and

“wrapper” means a plastic or other suitable or approved material covering that totally encloses bales or slugs of compacted waste.

CHAPTER 2: LOCAL WASTE PLAN

2. Preparation of a Local Waste Plan

Subject to any other legislation, the municipality may prepare a local waste plan.

3. Objectives of a Local Waste Plan

(1) The objectives of a local waste plan include—

- (a) establishing a means of ensuring that waste is collected, re-used, recycled or disposed of without causing harm to human health or damage to the environment and, in particular, without—
 - (i) risk to water, air, soil, plants or animals;
 - (ii) causing nuisance through noise or odours; or
 - (iii) adversely affecting rural or urban areas or areas of special interest;
- (b) establishing an integrated network of waste handling and waste disposal facilities to ensure that—
 - (i) comprehensive and adequate basic and commercial services are established within the municipality;
 - (ii) the disposal of waste occurs at accessible waste disposal facilities; and
 - (iii) the most appropriate methods and technologies are used in order to ensure a high level of protection for and prevention of damage to the environment and harm to human health;
- (c) encouraging the minimisation or reduction of waste;
- (d) promoting the recovery of waste by means of recycling or re-use through proven alternative technology; and

- (e) any other object which would enhance sustainable development.

4. Scope of a Local Waste Plan

(1) A local waste plan includes but is not be limited to the following matters:

- (a) population and development profiles within the municipality;
- (b) an assessment of all significant sources and generators of waste within the municipality;
- (c) an assessment of the quantities and classes of waste currently generated and projected to be generated within the municipality;
- (d) an assessment of the existing markets for each waste category;
- (e) an assessment of the existing options for waste reduction, management and disposal within the municipality;
- (f) an assessment of the number of persons within the municipality who are not receiving basic services and proposed strategies and targets for providing these services to such persons;
- (g) proposed strategies and targets for managing and reducing waste in the municipality and for the efficient disposal of waste that cannot be re-used or recycled;
- (h) strategies for waste education and initiatives for separating waste at its source;
- (i) strategies for raising awareness of waste management issues;
- (j) strategies for establishing the information system described in Chapter 3 of these by-laws;
- (k) an implementation programme that identifies the required time-frames, resources and responsibilities for achieving these strategies and targets;
- (l) a mechanism for monitoring performance in light of these targets and strategies;
- (m) current and anticipated waste collection, transportation, transfer and disposal costs;
- (n) a consideration of how the local waste plan relates to other relevant plans of the municipality; and
- (o) any other matters required by any other legislation, regulation or guidelines.

5. Requirements in Preparing a Waste Plan

(1) If the municipality prepares a local waste plan, it must, subject to any other legislation—

(a) take into consideration any integrated development plan or land development objectives of the municipality, and the requirements of any national or provincial legislation or policy;

(2) take reasonable steps to bring its draft local waste plan to the notice of the local community by—

(a) inviting comment on it from members of the local community;

(b) allowing not less than two months for submitting such comments;

(c) and considering comment received before finalising the local waste plan;

(3) send copies of the draft local waste plan to the competent national authority and neighbouring Municipalities for their information; and

(4) send a copy of the draft local waste plan to the Province in which the municipality is situated for comment and finalise the local waste plan after considering such comment.

CHAPTER 3: WASTE MANAGEMENT INFORMATION SYSTEM

6. Establishment a Waste Management Information System

(1) The municipality may establish and maintain a waste management information system in terms of this chapter to record how waste is managed within the municipality.

7. Purpose of the Information System

(1) The purpose of an information system is for the municipality to—

(a) record data relating to the implementation of the local waste plan, if any, and the management of waste in the municipality;

(b) record information held by the municipality in relation to any of the matters referred to in subsections 9(2)(a) to 9(2)(h);

(c) furnish information upon request or as required by law to the provincial or national government; and

(d) gather information and undertake strategic planning regarding potential and actual waste generators, service providers and licensees;

- (e) provide information to waste generators, service providers, licensees and the local community in order to—
 - (i) facilitate monitoring of the performance of the municipality, service providers and licensees, and, where applicable, waste generators;
 - (ii) stimulate research; and
 - (iii) assist the municipality to achieve the main objects of these by-laws.

8. Content of the Information System

(1) An information system established by the Municipality may include any information relating to or connected to the management of waste within the municipality.

(2) The local community is entitled to reasonable access to the information contained in the information system, subject to any limitations imposed by law.

(3) In giving effect to the right in subsection (2), the municipality must—

- (a) at the request of a member of the local community, provide information contained in the information system;
- (b) take steps to ensure that the information provided is in a format appropriate for lay readers; and
- (c) may impose a fee for providing such information in order to cover the cost of providing the information requested.

9. Provision of Information

(1) The municipality may, subject to the provisions of any other law including the common law, require any waste generator, licensee, service provider or person involved in or associated with the provision of basic services or commercial services within the municipality to furnish information to the municipality that may reasonably be required for the information system.

(2) The information referred to in subsection (1) may concern—

- (a) significant sources of waste generation and the identification of the generators of waste;

- (b) quantities and classes of waste generated;
- (c) waste handling, waste treatment and waste disposal facilities;
- (d) population and development profiles;
- (e) reports on progress in achieving any waste management targets;
- (f) the management of radioactive waste;
- (g) markets for waste by class of waste or category; and
- (h) any other information required by legislation, regulation or guidelines.

(3) The municipality may, at its sole discretion, determine when and how often information must be furnished.

CHAPTER 4: BASIC SERVICES

Part I: Providing Access to Basic Services

10. The Provision of Basic Services

(1) The municipality must take reasonable measures within its available resources progressively to ensure regular access by the local community to basic services.

- (a) In planning for and setting service standards and levels of service for the provision of basic services and in providing basic services, the municipality may differentiate between geographical areas and categories of users within the local community but, in doing so, the municipality must comply with national legislation and in particular the requirements of section 73 of the Systems Act.

11. Requirements for Basic Services

(1) The following matters in respect of basic services shall be determined by the municipality, and the power to make a determination in this section may not be assigned to a service provider in terms of section 27(2)—

- (a) the quantities of waste that will be collected;
- (b) which residential or commercial premises require basic services more frequently than the regular collection service for reasons of health, safety and environmental protection; and
- (c) the maximum amount of waste that may be placed for collection without the provision of an additional service or the imposition of an additional tariff.

(2) The following additional matters in respect of basic services may be determined by

the municipality–

- (a) collection schedules;
- (b) locations for placing approved receptacles for collection;
- (c) which types of waste generated by the occupier of any premises are separable for the purposes of recycling and determine the conditions for their separation, storage or collection; and
- (d) which waste items are unsuitable for collection because they do not constitute domestic waste, and where such waste is determined to be unsuitable for collection, a process for the collection of these items must be recommended to the owner of the waste.

(3) The municipality must notify in writing all generators of domestic waste, business waste and dairies of any decisions taken in terms of subsections (1) or (2), and may at any time review these decisions.

(4) The municipality may provide, or require the generator of the waste to provide, an approved receptacle for the storage of domestic waste, business waste and dairies pending collection.

(5) Where a receptacle referred to in subsection (4) is provided by the municipality, it remains the property of the municipality.

(6) The municipality may require a generator of dairies and business waste to compact that portion of the waste that is compactable when—

- (a) the quantity of dairies or business waste generated on premises requires daily removal of more than the equivalent of eight 240-litre bins; and
- (b) in the opinion of the municipality, the major portion of such waste is compactable.

(7) The occupier of premises may elect to compact any volume of such waste and place it into a receptacle or wrapper that is approved by the municipality: Provided that—

- (a) the capacity of the wrapper must not exceed 85 litres and the mass of the wrapper and contents must not exceed 35 kilograms; and
- (b) after the waste has been compacted and put into the wrapper, it must be placed in the approved receptacle and must be stored so as to prevent damage to the wrapper or any nuisance arising until it is collected.

Part II: Using Basic Services

12. Obligations of Generators of Domestic Waste, Business Waste and Dairies

- (1) Any person generating domestic waste, business waste and dairies (other than waste

which has been designated by the municipality as recyclable) must place domestic waste, business waste and dailies in an approved receptacle.

(2) No person may allow an animal in his control to interfere with, overturn or damage a receptacle, which has been placed for collection.

(3) The occupier of premises must ensure that—

- (a) no hot ash, unwrapped glass or other domestic waste, business waste and dailies, which may cause damage to approved receptacles or which may cause injury to employees of the municipality while carrying out their duties in terms of these by-laws, is placed in approved receptacles;
- (b) no material, including any liquid, which because of its mass or other characteristics is likely to render an approved receptacle unreasonably difficult for employees of the municipality to handle or carry, is placed in a receptacle;
- (c) every approved receptacle on the premises is kept closed except when waste is being deposited in it or discharged from it, and every approved receptacle is kept in a clean and hygienic condition;
- (d) the approved receptacle delivered by the municipality is not used for any purpose other than the storage of domestic waste, business waste and dailies and, in particular, that no fire may be lit in a bin or container;
- (e) the approved receptacle is placed outside the entrance to the premises before a time and on a day of the week specified by the municipality by notice to the owner or occupier of the premises, except where, on written application to the municipality, the municipality has indicated in writing that it is satisfied that a person is physically infirm or otherwise incapable of complying with the notice;
- (f) the approved receptacle, placed in accordance with subsection (3)(e), must be undamaged and properly closed so as to prevent the dispersal of its contents; and
- (g) dailies are not placed in a receptacle or compactor where they are able to contaminate other waste streams.
- (h) The owner or occupier of premises must provide adequate space considered necessary by the municipality, on the premises for the storage of approved receptacles.

(4) space provided in terms of subsection (3)(3)(h) must—

- (a) be in such a position on the premises as will allow the storage of approved receptacles without their being visible from a street or public place;

(b) where dailies are generated on the premises—

- (i) be in such a position as will allow their collection and removal by the municipality's employees without hindrance; and
 - (ii) be placed not more than 20m from the entrance to the premises used for the collection of waste by the municipality;
- (c) be so located as to permit convenient access and egress for the municipality's waste-collection vehicles;
- (d) comply with any further reasonable requirements imposed by the municipality by written notice to the owner or occupier of the premises; and
- (e) be constructed in accordance with the requirements of any applicable building regulations.

(5) The occupier of premises must place or cause the approved receptacles to be placed in the space provided in terms of subsection(3)(h) and must at all times keep them there, except where the municipality is unable to collect and remove waste from the space provided in terms of subsection (3)(h).

- (a) The municipality may, having regard to the avoidance of nuisance and the convenience of collection of waste, indicate a position within or outside the premises where the approved receptacles must be placed for the collection and removal of such waste and such receptacles without their being visible from a street or public place;

(b) where dailies are generated on the premises—

- (i) be in such a position as will allow their collection and removal by the municipality's employees without hindrance; and
 - (ii) be placed not more than 20m from the entrance to the premises used for the collection of waste by the municipality;
- (c) be so located as to permit convenient access and egress for the municipality's waste-collection vehicles;
- (d) comply with any further reasonable requirements imposed by the municipality by written notice to the owner or occupier of the premises; and
- (e) be constructed in accordance with the requirements of any applicable building regulations.

(6) The occupier of premises must place or cause the approved receptacles to be placed in the space provided in terms of subsection (3)(3)(h) and must at all times keep them there,

except where the municipality is unable to collect and remove waste from the space provided in terms of subsection (3)(h).

(7) The municipality may, having regard to the avoidance of nuisance and the convenience of collection of waste, indicate a position within or outside the premises where the approved receptacles must be placed for the collection and removal of such waste and such receptacles must then be placed in such position at such times and for such period as the municipality may require.

13. Liability to Pay for Basic Services

The owner of premises is liable to the municipality for the payment of rates or tariffs or both for the provision of basic services, and is not entitled to exemption from the liability to make payment because no use or only partial or limited use is made of basic services.

CHAPTER 5: COMMERCIAL SERVICES

Part I: Provision of Commercial Services by Licensees and Flow Control

14. Provision of Commercial Services by Licensees

(1) Except in the case of garden waste, and subject to subsection 29(3), only a licensee may provide commercial services.

(2) Any person requiring commercial services must satisfy himself that the contractor is licensed to collect and dispose of the category of waste that has been generated and must take reasonable steps to ensure that the relevant waste is collected and disposed of in terms of these by-laws.

15. Provision for Municipality Co-Ordination of Waste Disposal

The municipality may direct, by a notice published in the Provincial Gazette, that a category of waste be disposed of at a particular depot or disposal site; and no person may dispose of waste other than as specified in a notice that has been gazetted under this section or as specified by the municipality under other legislation prior to the coming into operation of these by-laws.

Part II: Business, Industrial and Recyclable Waste

16. Storage of Business, Industrial and Recyclable Waste

The owner or occupier of premises on which business, industrial or recyclable waste is generated must ensure that until such time as such waste is collected by a licensee from the premises on which it was generated—

- (a) the waste is stored within a bulk container or other approved receptacle; and
- (b) no nuisance or health risk of any kind whatsoever is caused by the waste in the

course of generation, storage, or collection.

17. Collection and Disposal of Industrial, Business and Recyclable Waste

(1) The owner or occupier of premises where business, industrial and recyclable waste is generated must ensure that—

- (a) the container in which the waste is stored is not kept in a public place except for the purpose of collection;
- (b) the waste is collected by a licensee within a reasonable time after its generation; and
- (c) that the service rendered by a licensee is in respect only of that portion of the business, industrial or recyclable waste authorised in its license.

(2) A licensee must dispose of business, industrial or recyclable waste at an appropriately permitted waste handling facility or waste disposal facility; and in disposing of waste, a licensee must comply with any notice given in terms of section 15 and with the provisions of section 26.

Part III: Garden Waste and Bulky Waste

18. Storage, Collection and Disposal of Garden Waste and Bulky Waste

(1) The owner or occupier of the premises on which garden waste is generated may compost garden waste on the property, but may do so only if the composting does not cause a nuisance or public health risk.

(2) The occupier of the premises on which garden waste is generated and not composted, or on which bulky waste is generated, must ensure that such waste is collected and disposed within a reasonable time after its generation.

(3) Any person or licensee may remove garden waste and bulky waste, but may do so only if the waste is deposited at a garden waste handling facility in accordance with the provisions of section 26.

(4) At the written request of the occupier of premises, the municipality may, in its sole discretion, deliver an approved receptacle for the purpose of storing garden waste in addition to any approved receptacle delivered to the premises for the storage of domestic waste; and the provisions contained in section 12, read with the necessary changes must apply to an approved receptacle delivered in terms of this section.

(5) Where, in the course of providing basic services, the municipality or the service provider providing the service, is of the opinion that it would cause inconvenience to members of the public not to remove garden and bulky waste at the same time, the municipality may remove such waste, in which event the tariff for domestic waste applies.

Part IV: Building Waste

19. Generation of Building Waste

(1) The owner or occupier of premises on which building waste is to be generated must ensure that –

- (a) until disposal, all building waste, together with the containers used for its storage, collection or disposal, is kept on the premises on which the waste was generated;
- (b) the premises on which the building waste is generated does not become unsightly or cause a nuisance as a result of accumulated building waste;
- (c) any building waste which is blown off the premises is promptly retrieved; and
- (d) pursuant to any instructions from the municipality, any structure necessary to contain the building waste is constructed.

20. Storage of Building Waste

(1) The municipality may establish conditions, subject to subsection (2), to place a receptacle for the storage and collection of building waste in the road reserve.

(2) Every receptacle used for the removal of building waste, must—

- (a) have clearly marked on it the name, address and telephone number of the person in control of such receptacle;
- (b) be fitted with reflecting chevrons or reflectors on its front and back; and
- (c) be covered at all times other than when actually receiving or being emptied of building waste so that no displacement of its contents can occur.

21. Collection and Disposal of Building Waste

(1) The owner or occupier of premises on which building waste is generated must ensure that the waste is disposed of by a licensee.

(2) All building waste must be disposed at a waste disposal facility designated for that purpose by the municipality in terms of a notice under section 15, unless the municipality has given written consent for the building waste to be used for the purpose of land reclamation or for recycling.

Part V: Special Industrial, Hazardous or Health Care Risk Waste

22. Generation of Special Industrial, Hazardous or Health Care Risk Waste

(1) No person may carry on an activity which may cause special industrial, hazardous or health care risk waste to be generated, without notifying the municipality in writing, prior to the generation of such waste, of the composition of such waste, the estimated quantity generated, the method of storage, the proposed duration of storage, the manner in which it will be collected and disposed, and the identity of the licensee removing such waste: Provided that where such waste is being generated as a result of activities which commenced prior to the commencement of these by-laws, the generator must give the municipality such notice within 6 months of the commencement of these by-laws.

(2) If so required by the municipality, the notification referred to in subsection (1) must be substantiated by an analysis of the composition of such waste certified by an appropriately qualified industrial chemist.

(3) The person referred to in subsection (1) must notify the municipality in writing of any changes occurring with respect to the generation, composition, quantity and method and location of disposal of the special industrial, hazardous, or health care risk waste.

23. Storage of Special Industrial, Hazardous or Health Care Risk Waste

(1) Any person carrying on an activity which may cause special industrial, hazardous or health care risk waste must ensure that the special industrial, hazardous or health care risk waste generated on the premises is kept and stored, until it is collected, on the premises.

(2) Special industrial, hazardous or health care risk waste stored on premises must be stored in a manner that does not become a nuisance or cause harm to public health or damage to the environment, and in accordance with the requirements of any applicable building regulations or additional by-laws.

(3) Special industrial, hazardous or health care risk waste must be stored in an approved receptacle for a period not exceeding three months or any other period stipulated by the Department of Water and Environmental Affairs, the Provincial Government, or the municipality.

(4) The municipality may enact additional by-laws providing guidelines for the management of health care risk waste.

24. Collection and Disposal of Special Industrial, Hazardous or Health Care Risk Waste

(1) Only a licensee may transport special industrial, hazardous and health care risk waste and must do so in accordance with the requirements of the municipality, stipulated as licence conditions or in additional by-laws, as well as in the relevant SANS codes, in respect of the type of vehicle, the markings and manner of construction of the type of vehicle, procedures for safety and cleanliness, and documentation relating to the source, transportation and disposal of such waste, and the requirements of any other legislation.

(2) A licensee, who is licensed to collect and dispose of special industrial, hazardous or health care risk waste, must inform the municipality prior to the date of collection of the date of collection, the quantity and the composition of the waste collected and the facility at which the waste has been disposed.

(3) A licensee must dispose of special industrial, hazardous or health care risk waste at a waste disposal facility designated by notice by the municipality as a waste disposal facility for that purpose in terms of section 15 and in accordance with the provisions of section 26.

CHAPTER 6: TRANSPORTATION AND DISPOSAL OF WASTE

25. Transportation of Waste

(1) No person may—

- (a) operate a vehicle for the conveyance of waste upon a street unless the vehicle has a body of adequate size and construction for the type of waste being transported;
- (b) fail to maintain the vehicles used for the conveyance of waste in a clean, sanitary and roadworthy condition at all times;
- (c) fail to cover loose waste on an open vehicle with a tarpaulin or suitable net;
- (d) cause or permit any waste being transported in or through the municipality to become detached, leak or fall from the vehicle transporting it, except at a waste disposal facility; and
- (e) knowingly dispose waste at a waste disposal facility that is not permitted to accept that waste.

(2) Subject to subsection (1), all transportation of waste must comply with the National Road Traffic Act, 1996 (Act 93 of 1996).

26. Disposal of Waste

(1) Waste generated within the municipality must be disposed of at a waste disposal facility that has been appropriately permitted by the competent national authority.

(2) In disposing of waste, licensees must comply with any notices issued in terms of section 15 and in accordance with the provisions of any other law regulating the disposal of waste.

(3) No person may dispose of waste by burning it, either in a public or private place.

(4) No person may incinerate waste either in a public or private place except in an incinerator permitted by the relevant national and provincial authorities to do so, or at a place designated by the municipality for such purpose.

(5) Notwithstanding the provisions of subsection (1), any person may dispose of those forms of recyclable waste specified by the municipality in a notice in terms of section 15 at designated garden waste handling facilities, but may do so only if the waste is brought to the facility in vehicles able to carry a maximum load of one tonne or less.

(6) The disposal of waste at any waste disposal facility may, in addition to any conditions imposed by the competent national authority, be subject to any condition the municipality may from time to time specify, including the hours of opening and closing, the nature of the waste which may be disposed of, the manner of disposing of waste and any other matters which the municipality considers necessary to ensure the environmentally sound management of waste.

(7) Every person who enters a waste disposal facility must—

- (a) enter the waste disposal facility at an access point determined by the operator of the waste disposal facility;
- (b) on request, provide the municipality or the operator of the waste disposal facility with any information regarding the composition of the waste; and
- (c) follow all instructions issued by the operator of the waste disposal facility in regard to access to the actual place where, and the manner in which, the waste should be deposited.

(8) No person may—

- (a) bring any liquor or intoxicating or narcotic substance on to a waste disposal facility or enter such facility in an intoxicated state;
- (b) enter a waste disposal facility for any purpose other than the disposal of waste in terms of these by-laws, unless authorised to do so by the operator of the waste disposal facility or the municipality and then only at such times and on such

conditions as the municipality or operator may from time to time determine;

(c) dispose of waste at a waste disposal facility which is not permitted for waste of that kind; or

(d) light any fire upon or near any disposal area without authorisation.

(9) Any person who contravenes subsection 26(8)(c) will be liable for all reasonable costs incurred by the municipality in removing or otherwise dealing with waste improperly disposed of at a waste disposal facility.

(10) The operator of the waste disposal facility may at any time require a vehicle, or a container on a vehicle, that has entered the waste disposal facility for the purposes of disposing waste, to be weighed at a weighbridge.

(11) The municipality, the operator of the waste disposal facility, an authorised official or any other persons duly authorised by the municipality may, at a waste disposal facility, inspect the content and nature of waste to be disposed of or processed and may take samples and test any waste found on any vehicle to ascertain its composition.

(12) Any person contravening any of the provisions of this section may be refused entry or be removed from a waste disposal facility.

(13) No person may store waste for more than ninety consecutive days without a permit from the competent national authority in terms of section 20(1) of the Environment Conservation Act, 1989 (Act 73 of 1989).

CHAPTER 7: SERVICE PROVIDERS

27. Agreement, Delegation and Customer Charter

(1) The municipality may, subject to its responsibilities under section 81 of the Systems Act, discharge any of its obligations under section 10(1) of these by-laws by entering into a service delivery agreement with a service provider or service providers.

(2) Subject to the provisions of the Systems Act or any other law, the municipality may assign to a service provider any right or power enjoyed by the municipality under these by-laws whenever the assignment is required to enable the service provider to discharge an obligation under its service delivery agreement.

(3) If a municipality has entered into a service delivery agreement with a service provider, it must publish a notice in the Provincial Gazette for the province in which it is situated listing which rights and powers of the municipality under which provisions of these by-laws have been assigned to the service provider.

(4) Where the term "municipality" appears in a provision of these by-laws listed in the notice in subsection (3) it shall be read as "service provider" in that provision.

28. Customer Charter

Service providers must provide services in accordance with a customer charter which must be drawn up in consultation with the municipality and must—

- (a) accord with the provisions of these by-laws;
- (b) be accessible to the public; and
- (c) establish the conditions of supplying the service.

CHAPTER 8: LICENSEES

29. Establishment of a Licensing System

(1) A municipality may establish a licensing system in terms of this chapter.

(2) A decision to establish a licensing system in terms of subsection (1) must be published by a notice in the Provincial Gazette and comes into operation on the date announced in the notice which may not be less than 3 months from the date of its publication.

(3) If a municipality has not established a licensing system, firms providing waste management services may be treated as licensees by generators of waste for the purpose of chapter 4 of these by-laws.

30. Licence Requirements

(1) If a licensing system is established in terms of section 29(1), no person may collect or transport any of the waste streams listed in subsection (2)—

- (a) without having first obtained and being in possession of a valid licence; and
- (b) except in properly constructed, watertight vehicles or in containers that prevent spillage of waste and are suitable for the waste stream which is being collected or transported, as specified in the National Road Traffic Act, 1996 (Act 93 of 1996).

(2) There are seven categories of waste covered by licences issued under chapter 7 of these by-laws—

- (a) business (bulk containerised) waste;
- (b) industrial waste;
- (c) special industrial waste;
- (d) hazardous waste;
- (e) recyclable waste
- (f) health care risk waste; and

(g) building waste.

(3) Licences issued under these by-laws—

(a) may not be ceded or assigned without the prior written consent of the municipality;

(b) are valid only for the category of waste specified; and

(c) expire within one year of the date of issue unless extended by the municipality in terms of section 32(8) or section 34(2).

31. Licence Application

(1) An application for a licence must be in writing on a form prescribed by the municipality.

(2) The form prescribed by the municipality must specify the information to be included in the application, as well as any necessary documentation, and the time available for making the application, which period must not, subject to section 32(8) or section 34(2), be less than two months in duration.

(3) The information provided in the application form must include the following:

(a) the name and the residential and postal address of the person providing commercial services and, if the person providing commercial services is a company or close corporation, its registration number, the names of its directors or members and the address of its registered head office; and

(b) the nature of the commercial services to be provided or intended to be provided by the person.

(4) The municipality must determine the fees to be imposed on each vehicle used by a person to collect or transport waste, and the application must be accompanied by the relevant fees.

32. The Licence Adjudication Panel

(1) The municipality must appoint a panel to adjudicate licence applications on its behalf known as the Licence Adjudication Panel.

(2) A person appointed to the panel must not be—

(a) an employee or director of a service provider or licensee; or

(b) a councillor of the municipality; and must be—

(c) suitably qualified to adjudicate applications in terms of this section.

(3) Where the panel consists of two or more persons—

- (a) the municipality must appoint one person from amongst the panel members to act as a chairperson;
 - (b) all decisions of the panel must be taken by a majority vote of panel members present and voting at the meeting at which the matter is considered;
 - (c) where there is an equality of votes, the chairperson must cast a second or casting vote.
- (4) The panel must consider each application, having regard to the following:
- (a) the applicant's compliance with the National Road Traffic Act, 1996 (Act 93 of 1996) and with these by-laws;
 - (b) the environmental, health and safety record of the applicant;
 - (c) the nature of the commercial service to be provided; and
 - (d) any other matter which the panel considers relevant.
- (5) After considering the application in terms of subsection (4), the panel must either—
- (a) approve the application by issuing a licence subject to any term or condition it considers appropriate; or
 - (b) refuse the application, which refusal must be accompanied by written reasons.
- (6) The panel may refuse an application only because the applicant—
- (a) failed to submit a complete and satisfactory application to the municipality; or
 - (b) failed to comply with the standards established in these by-laws.
- (7) If the panel refuses an application for a licence, the applicant may appeal to the committee that is responsible for solid waste disposal services established in terms of section 80 of the Structures Act, or if no such committee has been established, to the municipal manager of the municipality, on the basis set out in section 50(1) to 50(5) of these by-laws with all the changes that may be necessary to apply those provisions.
- (8) If the panel fails to consider and grant or refuse the licence application within two months of its receipt of the application, the validity of an existing licence is automatically extended until the panel makes its decision, and the municipality must—
- (a) inform the applicant in writing that the period for consideration is extended; and
 - (b) inform the applicant of the date by which the decision will be made.

33. Licence Terms and Conditions

(1) When issuing a licence the municipality may, subject to the provisions of subsection (2), impose any reasonably necessary licence conditions in furtherance of national, provincial or municipal waste management policy.

(2) Licences issued by the municipality must—

- (a) specify the licence period and the procedure for the renewal of a licence;
- (b) specify the category or categories of waste that the licence holder may collect and transport;
- (c) contain a requirement that the licence holder must comply, and ensure compliance by its employees, agents and sub-contractors, with these by-laws and applicable provincial and national legislation; and
- (d) require the licence holder to keep monthly written records on a form prescribed by the municipality in respect of the quantities of each category of waste it collects and transports during the licence period, which quantities must be confirmed and verified by the municipality in any application for renewal of a licence or application for a new licence by the same contractor.

(3) In prescribing licence conditions in terms of this section, the municipality must comply with its local waste plan if it has one.

34. Renewal of Licences

(1) If licence holders intend to renew their licence, they must do so within two months before the expiry of an existing licence; and the panel must assess and grant or refuse the licence application within two months of the receipt of that application in accordance with section 32(5).

(2) If the panel fails to consider or to grant or refuse the licence renewal application within two months, the validity of an existing licence is automatically extended until the panel makes its decision, and the municipality must—

- (a) inform the applicant in writing that the period for consideration is extended; and
- (b) inform the applicant of the date by which the decision will be made.

(3) When considering whether to grant another licence, the panel must confirm and verify the previous records kept by the licence holder in terms of section Error! Reference source not found. of these by-laws.

35. Display of Waste Licence

(1) Upon issuing a licence to a contractor to collect or transport a specific category of waste, the municipality must issue to the contractor a numbered sticker for each vehicle to be used by him which shall—

- (a) confirm that the licence holder is authorised to collect or transport the category of waste specified on the sticker; and
- (b) be colour coded for easy identification of the waste stream to which the licence applies.

(2) The contractor must affix the sticker referred to in subsection (1) to each vehicle to be utilised in providing the service and display it at all times.

(3) A waste disposal facility is authorised and directed to admit waste to its facility for processing or disposal only from contractors who are licensed and whose vehicles display the necessary sticker as required in subsection (1) above.

36. Prohibited Conduct

Licence holders may not—

- (a) operate in contravention of the terms and conditions of their licence;
- (b) fail or refuse to give information, or give false or misleading information when required to do so in terms of these by-laws; or
- (c) fail to take all reasonable steps to prevent an act or an omission by an employee acting in the course and scope of his/her duties which are unlawful in terms of these by-laws.

37. Suspension and Revocation of Licences

(1) A licence issued under these by-laws may be suspended or revoked by the municipal manager of the municipality on the grounds that the licence holder—

- (a) has failed to comply with the obligations set out in these by-laws;
- (b) has failed to comply with any national or provincial legislation which regulates the collection, transportation or disposal of any waste;
- (c) has failed to comply with the terms of a licence and any condition set out in section 33; or
- (d) on any other ground that the municipal manager considers relevant, and which is

fair and reasonable in the circumstances.

(2) A licence may only be suspended or revoked by the municipal manager after—

(a) he has given adequate notice to the licence holder in terms of section 3(2)(b)(i) of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000) that he intends to make a decision regarding the suspension or revocation of the licence; and

(b) after the licence holder has been given a reasonable opportunity to make representations to the municipal manager as to why its licence should not be suspended or revoked in terms of section 3(2)(b)(ii) of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000).

(3) The length of time given to the licence holder to make representations and the nature of the representations allowed must be fair and reasonable in the circumstances, taking into account the nature and severity of the infringement, the potential risk of harm to the environment, human life or property, or any other factor relevant in the circumstances.

(4) The municipal manager must make a decision within two weeks of receiving the representations, if any, of the licence holder, or within two weeks after the closing date for making representations specified by the municipal manager in terms of subsection (3); and must inform the licence holder of his decision within seven days of making it.

(5) If a licence is suspended or revoked in terms of subsection (4), the holder of the suspended licence may appeal to the committee that is responsible for solid waste disposal services established in terms of Section 80 of the Structures Act, or if no such committee has been established – to the executive committee municipality, on the basis set out in Section 50 with all the necessary amendments of the wording to those provisions.

(6) At no time may the municipality disclose any confidential commercial information submitted as part of the licence application procedure to any other party, other than to the party who disclosed such information to the municipality.

38. Transitional Provisions and Exemptions

(1) Any person lawfully providing commercial services within the municipality when a notice is issued in terms of section 29(2) that the municipality intends to establish a licensing system, must, if that service requires a licence, apply for a licence but may continue to provide commercial services while the licence application is being considered by the municipality, but may do so only if that person has submitted an application for a licence within three months after the Section 29 notice is issued.

(2) The municipality may, having regard to the main object of these by-laws and its Local Waste Plan, exempt any form of commercial service from the provisions of Chapter 8 of these by-laws and must indicate the terms and scope of any exemption in a notice published in the Provincial Gazette.

CHAPTER 9: LITTERING, DUMPING AND ABANDONED ARTICLES

39. Duty to Provide Facilities for Litter

(1) The municipality, or owner in the case of privately owned land, must take reasonable steps to ensure that sufficient approved receptacles are provided for the discarding of litter by the public, in any place to which the public has access.

(2) The municipality, or owner of privately owned land, must ensure that all approved receptacles installed on the premises for the collection of litter are—

- (a) maintained in good condition;
- (b) suitably weighted and anchored so that they cannot be inadvertently overturned;
- (c) constructed in such a manner as to ensure that they are weatherproof and animal proof;
- (d) of suitable size to contain all litter likely to be generated on the premises and by the users of the receptacle;
- (e) placed in locations convenient for the use by users or occupants of the premises in order to discourage littering or the unhealthy accumulation of waste; and
- (f) emptied and cleansed regularly or when full, and the emptying and cleansing of approved receptacles must be sufficiently frequent as to ensure that no receptacle or its contents may become a nuisance or health hazard or provide reasonable grounds for complaint.

40. Prohibition of Littering

(1) No person may—

- (a) cause litter;
- (b) sweep any waste into a gutter, onto a road reserve or onto any other public place;
- (c) disturb anything in, or remove anything from any receptacle which has been placed for the purposes of collecting litter in such a manner as to cause the contents of the receptacle to spill or fall onto the ground around it; and
- (d) allow any person under his control to do any of the acts contemplated in paragraphs (a), (b) or (c) above.

(2) Notwithstanding the provisions of subsection (1), the municipality, or owner in the case of privately owned land to which the public has access, must within a reasonable time after any litter has been discarded, dumped or left behind, remove such litter or cause it to be removed; and for the purposes of this section, a reasonable time means that period of time before the litter becomes a nuisance, a health hazard or a cause for complaint.

41. Prohibition of Dumping and Abandoning Articles

(1) No person may, without authorisation in writing by the municipal manager, deposit or permit the depositing of any waste whether for gain or reward or otherwise, upon any land or in any building of which he is the owner or occupier except when he does so in accordance with the provisions of these by-laws.

(2) Subject to any provisions to the contrary contained in these by-laws, no person may leave any article, or allow any article under his control, to be left at a place with the intention of abandoning it.

(3) No person may dump waste.

(4) Any article, other than a motor vehicle deemed to have been abandoned in terms of regulation 320 of the National Road Traffic Act regulations, which, in the light of such factors as the place where it is found, the period it has been lying at such place and the nature and condition of such article, is reasonably regarded by the municipality as having been abandoned, may be removed and disposed of by the municipality as it may consider fit; but if the article is, in the opinion of the municipality, of significant financial value, the municipality must place a notice in a daily newspaper indicating its intention to sell the article for the best price reasonably obtainable, as well as consult with the police prior to selling the article.

CHAPTER 10: ADMINISTRATIVE ENFORCEMENT PROVISIONS

Part I: Appointment of Authorised Officials

42. Appointment of Authorised Officials

(1) The municipality must appoint authorised officials vested with the power to exercise the powers of an authorised official under these by-laws and to discharge the municipality's right of access to premises in terms of section 101 of the Systems Act.

(2) An authorised official is not a peace officer within the meaning of the Criminal Procedure Act, 1977 (Act 51 of 1977) and has no powers of arrest in respect of any offence created in these by-laws.

(3) In appointing an authorised official, the municipality must have regard to—

- (a) a person's technical understanding and experience of matters related to waste management; and
- (b) any other factor that may be relevant to supervision and enforcement of these by-laws, whether technical or administrative.

(4) An authorised official may be an employee of the municipality or any service provider of the municipality, but neither the service provider nor any of its employees may be involved in enforcing compliance with these by-laws by licensees.

(5) Upon appointment, authorised officials must be issued with a means of identification by the municipality which must state the name and function of the authorised official, and must include a photograph of the officer.

(6) An authorised official, acting within the powers vested in him by these by-laws, is required to:

- (a) present identification on demand by any member of the public;
- (b) liaise with or co-ordinate action with any environmental management inspector designated under the National Environmental Management Act, 1998 (Act 107 of 1998) enforcing the National Environmental Management Act, 1998 (Act 107 of 1998) or any specific environmental management Act within the municipality.

Part II: Powers of Authorised Officials

43. Powers to Execute Work and Inspect Vehicles and Premises

(1) In addition to the powers an authorised official has as an authorised representative of the municipality under section 101 of the Systems Act or any other legislation, an authorised official, may—

- (a) enter any land or premises to execute work or conduct an inspection; and
- (b) may search any vehicle or other mode of conveyance with the consent of the owner or person in charge of the vehicle.

(2) Where consent is not obtained in terms of subsection 43(1)(b), a vehicle or other mode of conveyance may be searched or stopped and searched, only pursuant to a warrant issued in accordance with the procedure set out in section 44.

(3) A search conducted in terms of these by-laws must be conducted in a manner that conforms to the requirements of the Bill of Rights and any other law and, in particular, must be conducted with strict regard to decency and order, respect for a person's dignity, freedom and security, and personal privacy.

(4) To the extent that access to premises does not fall within the scope of section 101 of the Systems Act or any other legislation, an authorised official who has reasonable grounds to suspect that there is an environmental emergency and that any delay in obtaining a search warrant will cause harm to public health or damage to the environment may, without warrant, enter and search any premises associated with the emergency: Provided that the entry and search be conducted in conformity with the requirements of the Bill of Rights and any other law, and in particular, with strict regard to decency and order, respect for a person's dignity, freedom and security, and personal privacy.

(5) Where, in the opinion of an authorised official, any search of a vehicle, as contemplated in these by-laws, gives rise to the reasonable apprehension that the presence of waste in or on that vehicle is a serious and immediate danger to public health or to the environment, the authorised official may seize that vehicle in order to prevent, or where that is impossible, to mitigate harm to public health or damage to the environment.

(6) In the event of the seizure of any vehicle under subsection (5), the municipality must—

- (a) forthwith take steps to dispose of such waste in order to prevent, and where that is impossible, to mitigate, harm to public health or damage to the environment; and the cost of such disposal must be borne by the owner of the vehicle; and
- (b) return the said vehicle, within 48 hours after disposing of such waste, to the control of the licensee or person from whose possession or control it was taken.

44. Procedure for Issuing a Warrant

(1) An authorised official may search any vehicle or other mode of conveyance if a magistrate or a justice has issued a written authorisation allowing the authorised official to do so.

(2) A magistrate or a justice may issue a written authorisation to search any vehicle or other mode of conveyance, if, from information on oath, there are reasonable grounds to believe either—

- (a) that, in the interest of the public, it is necessary to search a vehicle or other mode of conveyance; or
- (b) that there is non-compliance with the terms of these by-laws or any other law in respect of the vehicle or other mode of conveyance.

(3) A written authorisation in terms of subsection (2) may be issued at any time and must specifically—

- (a) identify the vehicle or other mode of conveyance; and
- (b) authorise the authorised official to conduct the search of the vehicle or other mode of conveyance.

(4) A written authorisation in terms of subsection (2) remains valid until—

- (a) it is carried out;
- (b) it is cancelled by the person who issued it or, in that person's absence, by a person with similar authority;
- (c) the purpose for which it was issued has lapsed; or
- (d) three months have passed since it was issued.

(5) Before commencing any work or inspection, designated officers who carry out a written authorisation must either—

- (a) if the owner of or a person apparently in control of the vehicle or other mode of conveyance is present—
 - (i) identify themselves and explain their authority to that person or furnish proof of their authorisation; and
 - (ii) hand a copy of the written authorisation to that person; or
- (b) if the owner or person apparently in control of the vehicle or other mode of conveyance is absent or refuses to accept a copy, attach a copy of the written

authorisation to the land or premises in a prominent and visible place.

45. Powers to Question

(1) In order to monitor or enforce compliance with these by-laws, the authorised official, may, subject to the requirements of the Bill of Rights, and any other law including the common law, require a licensee or any other person to disclose information, either orally or in writing, and either alone or in the presence of witnesses, on any matter to which these by-laws relate, require that the disclosure be made on oath or affirmation, and exercise any other power of an authorised official.

(2) An authorised official may be accompanied by an interpreter and any other person reasonably required to assist the authorised official in conducting the inspection.

(3) An authorised official must, on request, provide his identification as an authorised official.

46. Supervision of Licensees

(1) If a licensing system has been established in terms of section 29 of these by-laws, authorised officials must inspect the workplace of a licensee not less than twice a year, and an authorised official is entitled to enter the workplace of a licensee for this purpose.

(2) Such an inspection must be conducted in conformity with the requirements of the Bill of Rights, and any other law and, in particular, an authorised official in conducting an inspection under subsection (1) must do so with strict regard to decency and order, respect for a person's dignity, freedom and security, and personal privacy.

(3) If an authorised official is of the opinion, after such an inspection, that a licensee is complying with these by-laws, he may, subject to the provisions of subsection (4), issue the licensee with a certificate confirming compliance, which must state –

- (a) the name and residential and postal address of the licensee;
- (b) the time, date and scope of the inspection; and
- (c) any remarks which in the opinion of the authorised official may be relevant.

(4) If a licensee fails to obtain a certificate confirming compliance at three inspections over a period of two years, the authorised official may recommend that the municipality review the licence, and should there be reasonable grounds, the municipality may revoke the licence in terms of section 37, but may do so only if the consecutive inspections occur at not less than four month intervals.

(5) Authorised officials must keep a register recording each inspection that has been

undertaken.

47. Supervision of Owners and Occupiers

Owners and occupiers must keep their premises clean and free from any waste which in the opinion of an authorised official is likely to cause a nuisance, harm to public health or damage to the environment, and must take reasonable steps to prevent an employee acting in the course of his employment, from committing an act or omission that may cause a nuisance, harm to public health or damage to the environment.

Part III: Enforcement Notices

48. Enforcement Notices

(1) If, in the opinion of the authorised official, a person is—

- (a) causing a nuisance, harm to public health or damage to the environment; or
- (b) as licensee, is failing to comply with the terms of a licence granted in terms of these by-laws; or
- (c) as owner or occupier, has failed to satisfy an obligation in terms of section 47 of these by-laws,

the authorised official may issue or cause to be issued on that person an enforcement notice in terms of this section.

(2) An enforcement notice issued under this section must state—

- (a) the name and also the residential and postal address, if either or both of these be known, of the affected person;
- (b) the nature of the nuisance, harm to public health or damage to the environment that the affected person is causing or is likely to cause;
- (c) the steps required to forestall or remediate the nuisance, harm to public health or damage to the environment in sufficient detail to enable compliance with the enforcement notice;
- (d) that the affected person must not later than 21 calendar days from the date on which the enforcement notice is issued take steps to comply with the notice;
- (e) that failure to comply with the requirements of the enforcement notice within the period contemplated in paragraph (d) may result in civil and criminal liability; and
- (f) that written representations may be made to the municipality, in terms of section 50, or a designated committee or internal functionary to which or to whom powers under these by-laws have been delegated, at a specified place, within 21 calendar

days of receipt of the notice.

(3) If an affected person fails to comply with an enforcement notice, the municipality or anyone authorised by the municipality, may perform the steps required in the enforcement notice, provided that the municipality does so in conformity with the requirements of the Bill of Rights and any other law, and, in particular, an authorised official must act with strict regard to decency and order, respect for a person's dignity, freedom and security, and personal privacy.

(4) Where the municipality incurs any expenditure as a result of performing such steps, the municipality may recover any reasonable expenditure from the person who failed to act as directed or, where criminal proceedings have not been instituted, by means of civil proceedings.

(5) If a licensee commits an offence in terms of section 36 and has, within the last two years, been convicted of the same offence, the municipality may revoke his licence immediately.

49. Complaints

Any person may lodge a complaint with an authorised official, or through any other channel established by the municipality, that any other person is causing harm to public health or damage to the environment by engaging in basic services or commercial services, in which event the authorised official, unless he has reasonable grounds to believe that the complaint is frivolous, must investigate the complaint and may, if he is satisfied that such harm is, or is likely to be, caused, issue an enforcement notice.

50. Representations

(1) Any affected person may make representations to the municipality, or a designated committee or internal functionary of the municipality to which the municipality has delegated its powers, in the manner specified in the enforcement notice.

(2) Representations must be made by submitting a written statement that has been sworn or affirmed to the municipality, designated committee or internal functionary within 21 calendar days of the service of the notice.

(3) Any representation not lodged within 21 calendar days shall not be considered, except where the affected person has shown good cause and the municipality, the designated committee or internal functionary condones the late lodging of the representation.

(4) The municipality, or designated committee or internal functionary, must duly consider the representations and any response to them by an authorised official or any other person, if there be such a response; and may, on its own volition, conduct any further investigation to verify the facts if that, in its opinion, is necessary.

(5) If the municipality, or designated committee or internal functionary, should conduct

any further investigations, the results of the investigation must be made available to the affected person, who must be given an opportunity of making a further response if he so wishes, and the municipality, or designated committee or internal functionary, must also consider his further response.

(6) After the municipality, or designated committee or internal functionary, is satisfied that the requirements of subsection (5) have been satisfied, the municipality, or designated committee or internal functionary, must make an order in writing and give a copy of it to the affected person setting out its findings. Such an order must –

- (a) confirm, alter or set aside in whole or in part, an enforcement notice; and
- (b) if compliance with the order (or the altered order) is required, specify the period within which the affected person must comply with any order made by it.

(7) If the enforcement notice is confirmed, in whole or in part, or is altered but not set aside, the municipality, or designated committee or internal functionary, must inform the affected person that he must discharge the obligations set out in the enforcement notice.

(8) If an affected person lodges a representation, any requirement in terms of section 48 of these by-laws requiring compliance with an enforcement notice, is suspended unless, in the opinion of the municipality, the affected person has caused an environmental emergency in which event and without derogation from any right that the affected person may have, or may in the future have, at common law or under any other law, to any relief of whatever nature, the affected person must immediately comply with any such requirement on being ordered by the municipality, orally or in writing, to do so.

(9) If there is an environmental emergency and if the affected person, despite receiving a lawful order made in terms of subsection (8), fails to comply with it, the municipality may itself cause the environmental emergency to be stopped, reversed or abated, in which event the municipality may institute civil proceedings for the recovery of any reasonable and necessary expenditure which it has incurred or may incur in effecting such a stoppage, reversal or abatement.

Part IV: Administrative Penalties

51. Establishment of an Administrative Penalty System

(1) The municipality may establish an administrative penalty system in terms of this part.

(2) A decision to establish an administrative penalty system in terms of subsection (1) must be published by a notice in the Provincial Gazette and comes into operation on the date announced in the notice which may not be less than 3 months from the date of its publication.

52. Infringement Notices

(1) If a municipality has established an administrative penalty system, an authorised official may issue an infringement notice to any person whom he believes may have committed an offence which must be listed.

(2) The infringement notice must—

- (a) specify, at the time when the notice is issued, the name and also the residential and postal address, if either or both of these be known, of the person on whom the infringement notice is served;
- (b) state the particulars of the infringement;
- (c) specify the amount of the penalty payable in respect of that infringement designated under the listed offences.
- (d) specify the place where the penalty may be paid; and
- (e) inform the person on whom the infringement notice is served that, not later than 28 calendar days after the date of service of the infringement notice, he may –
 - (i) pay the penalty; or
 - (ii) inform the municipality in writing at an address set out in the notice that he elects to be tried in court.

(3) If it appears to the authorised official that an alleged offence cannot adequately be punished by the payment of an administrative penalty then the authorised official may refrain from accepting the administrative penalty and may cause civil or criminal proceedings to be brought against the alleged offender in an appropriate court in terms of Chapter 10 of these by-laws if, in his opinion, there are good grounds for doing so.

53. Trial

If a person who elects to be tried in court in terms of subsection 52(2)(e)(ii), notifies the municipality of his election, the authorised official must, if he believes that there are sufficient grounds in law for doing so, within 10 calendar days, take all necessary steps, as envisaged in the Criminal Procedure Act, 1977 (Act 51 of 1977), in order to secure the attendance and prosecution of the accused, in which event, or in the event of his considering that there are no grounds for taking further steps, the infringement notice is cancelled.

54. Withdrawal of Infringement Notice

(1) Within one year after the infringement notice has been issued an authorised official may, whether or not the penalty has been paid, withdraw an infringement notice on the basis that new information has been received by the municipality or on any other good cause, by—

- (a) sending to the alleged offender a notice in the prescribed form stating that the

infringement notice has been withdrawn; and

- (b) providing reasons to the municipal manager for the withdrawal of the infringement notice.

(2) Where an infringement notice is withdrawn after the penalty has been paid, the amount shall be refunded.

55. Infringement Notice Not an Admission

Payment of a penalty shall not be regarded as an admission for the purposes of any proceedings, whether civil or criminal.

CHAPTER 11: JUDICIAL ENFORCEMENT PROVISIONS

56. Offences

- (a) Subject to subsection (1), any person who—contravenes or fails to comply with any provisions of these by-laws, other than a provision relating to payment for basic services;
- (b) fails to comply with any notice or order issued or condition imposed in terms of or for the purposes of these by-laws;
- (c) fails to comply with any lawful instruction given in terms of or for the purposes of these by-laws, or
- (d) who obstructs or hinders any authorised representative or employee of the municipality in the execution of his duties under these by-laws,

is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 6 months and in the case of any continued offence, to a further fine not exceeding R500.00.

(1) No person shall be liable to imprisonment if he is unable to afford to pay a fine, and shall instead be liable to a period of community service.

(2) Any person committing a breach of the provisions of these by-laws shall be liable to recompense the municipality for any loss or damage suffered or sustained by it in consequence of the breach.

CHAPTER 12: GENERAL PROVISIONS

57. Ownershi

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(1) A person holding a permit to operate a waste disposal facility is deemed to be the owner of the waste disposed at that facility.

(2) Domestic waste belongs to the generator of that waste until such time as it is placed in a bin and placed outside of the premises with the intention that the municipality collect and dispose of that waste, at which time the waste becomes the property of the municipality.

(3) A person who abandons an article, even if it constitutes waste under these by-laws, remains liable for any damage which that article may cause, as well as the cost of removing the article, notwithstanding the fact that that person may no longer be the owner of the article.

58. Service of Documents and Process

For the purposes of the service of any notice, order or other document relating to non-payment for the provision of basic services, the address of the owner of the premises on which domestic waste and dailies is generated is the place where service of documents and process shall be made.

59. Service of Notices

(1) Any notice, order or other document that is served on any person in terms of these by-laws must, subject to the provisions of the Criminal Procedure Act 1977 (Act 51 of 1977), be served personally, falling which it may regarded as having duly been served—

- (a) when it has been left at that person's place of residence or business, or, where his household is situated in the Republic, when it has been left with a person who is apparently 16 years or older;
- (b) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic either personally or in the manner provided by paragraphs (a), (c) or (d); or
- (c) if that person's address and the identity or the address of his agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates; or
- (d) if sent by registered post, whether service by registered post is, or is not required, if effected by sending it by properly addressing, prepaying and posting a registered letter containing the notice, order or other document, and unless the contrary be proved, shall be presumed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

(2) When any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.

(3) Any legal process is effectively and sufficiently served on the Municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

(4) Any legal process is effectively and sufficiently serviced on the service provider when it is delivered to the managing director or a person in attendance at the managing director's office.

60.Short title and commencement

These by-laws shall be called Makhuduthamaga Waste Management By-Laws and shall commence to operate on the date of their publication in the Provincial Gazette.

LOCAL AUTHORITY NOTICE 92**Makhuduthamaga General Public Nuisance Control By-Laws**

The municipal manager of Makhuduthamaga Municipality hereby , in terms of Section 13(a) in conjunction with section 75(1) of the Municipal Systems Act, 2000(Act No 32 of 2000) ,publishes the General Public Nuisance Control By-laws for the Makhuduthamaga Municipality, as approved by the council ,as set out hereunder.

Purpose of By-Law

- To promote the achievement of safe, peaceful and healthy environment for the benefits of citizens within the area of jurisdiction of Makhuduthamaga.
- To provide for procedures, methods and practices to regulate nuisance within Makhuduthamaga municipal area.

Definitions

1. In this By-Laws, words used in the masculine gender includes the feminine, the singular includes the plural and vice versa, unless the context otherwise indicates:-

“Council” means the council of Makhuduthamaga municipality or any political structure, political office bearer, councilor, or any staff member acting under council’s delegated or sub-delegated authority;

“Erf” means any land, whether vacant occupied or with building thereon;

“Municipal Area” means the municipal area of Makhuduthamaga.;

“Municipality” means the municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 dated 22 September 2000;

“Objectionable material” means garden litter, rubbish, waste material, rubble, scraps metal, article or thing, disused motor cars, machinery or other vehicles, as well as the disused parts thereof, refuse from any building operations, or any refuse capable of being dumped on any land or premises, including new or used building materials not necessarily required in connection with bona fide building operations actually in progress on any land, and includes any solid, liquid or gas which is or may become offensive or dangerous or injurious to health or which materially interferes with the ordinary comfort or convenience of the public;

“Public Nuisance” means any act, omission or condition which is offensive, which is injurious or dangerous to health, which materially interferes with the ordinary comfort, convenience, peace or quietness of the public place or which adversely affect the safety of the public;

“Public Place” means any square, building, park, recreation ground or open space which;-

- (a) Is vested in the Municipality;
- (b) The public has the right to use, or;
- (c) Is shown on general plan of township filed in the deeds registry or Surveyor General’s office and has been approved for or reserved for use of the public or the owners of erven in such township;

“Public Road” means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has right to access, and includes;-

- (a) The verge of any such road, street or thoroughfare;
- (b) Any bridge, ferry or drift traversed by any such road, street or thoroughfare, and
- (c) Any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

Enforcement

2. The council may, whenever it regards it necessary to do so, enter any premises at any reasonable time to ensure compliance with these By-Laws.

Behavior and Conduct

3. Notwithstanding the provisions of any other By-Laws, no person shall;

- (a) dump, accumulate or place or cause or permit to be dumped, accumulated or placed objectionable material in or on any erf, street, drain, water furrow, sewer, thoroughfare, public square or commonage except at such place or places as the council may from time to time set aside or approve for such purpose, provided however that the council may permit public garages, workshop and other trades, subject to conditions as may be imposed in each case, to keep, store, repair, dismantle or re-assemble any motor vehicle or other vehicle on premises approved by the council;
- (b) Do work on any erf or use any building or land for purposes calculated to depreciate or to disfigure such erf or to interfere with the convenience or comfort of the neighbours or to become a source of danger to any person. Should the council be of the opinion that this

provision is being ignored, the council may instruct that such work or use be discontinued forthwith and that the previous condition be reinstated;

(c) Carry on any trade, business or profession on any erf in the municipal area which may in the opinion of the council be source or become a source of discomfort or annoyance to the neighbourhood;

(d) deposit, leave, spill, drop or place any fruit or vegetable peels, broken bottles, glass, refuse or any objectionable material or thing which is offensive or likely to cause annoyance, danger or injury to persons in or upon any erf, street or public place;

(e) allow any building or structure or any portion thereof on any erf to fall into a dilapidated, neglected or unsightly state, or fail to maintain the roof-water disposal system, pipes, sewers, drains, water fittings, waste water fittings, water closet fittings and all other appurtenances forming part of or attached to any building or structure in good and sound repair, or fail to maintain the walls of any building or structure free from dampness;

(f) use or cause or permit to be used any stoep and/or veranda of any shop or business premises or vacant land adjoining such shop or business premises for purposes of storing, stacking, dumping, disposing, displaying, keeping, selling, or offering for sale any goods, articles or merchandise;

(h) keep on his premises any animal or birds which creates disturbance or nuisance to neighbours by making frequent and excessive noise;

(i) deposit or keep or cause or suffer to be deposited or kept any night soil on any premises, except in a proper sanitary convenience approved by the council and in accordance with any By-Laws of the council;

(j) keep or cause or suffer to be kept upon his premises any sanitary convenience of such nature that it is a nuisance or offensive or injurious or dangerous to health;

(k) carry or convey, or cause or permit to be carried or conveyed through or in any street or public place, any objectionable material or thing, liquid or solid, which is or may become offensive or dangerous or injurious to health, unless such objectionable material or thing is covered with a suitable material to prevent the creation of any nuisance;

(j) bury or dispose of any dead body in any unauthorized place;

(k) permit the carcass of any animal, being his property or which he is in charge, and which has died on his premises or elsewhere in the municipal area, to remain unburied;

(l) cause or permit any stream, pool, ditch, drain, gutter, watercourse, sink, bath, cistern water closet, privy or urinal on any land or premises owned or occupied by him or of which he is in charge to be or become so foul or in such a state or to be situated or constructed as to be offensive or dangerous or injurious to health;

(j) commit or cause to permit to be committed, any act which may pollute any water which inhabitants of the municipality have right to use or which is provided or deserved for the use of such inhabitants;

(k) disturb the public peace in any street or public place by making unseemly noises or by shouting, insistent hooting, wrangling or quarreling, or by collecting crowd or by organizing any demonstration or by fighting or challenging to fight, or by striking with or brandishing or using in a threatening manner any stick or other weapons or by any other riotous, violent or unseemly behavior at any time of the day or night, or by loitering in any street or public place or gathering in crowds on pavements

(l) in or upon any property or premises disturb the public peace in the neighborhood of such premises by making therein or thereon an unseemly noise, or by shouting, wrangling, quarreling and singing or by playing therein or thereon a musical instrument or use or permit to be used musical instrument, radios, television sets or the-likes or any loudspeaker or other device for the reproduction or amplification of sound, in such a manner or at such a time or in such a circumstances that the sound thereof is audible beyond the boundaries of such property or premises and materially interferes with the ordinary comfort, convenience, peace or quiet of the occupier of surrounding properties;

4 Failure to comply with the provisions of these By-Laws

4(1) where any material, articles or things of whatsoever nature has been accumulated, dumped, stored or disposed on any erf, or where there is an overgrown of bush, weeds, grass or vegetation on any erf in contravention of the provision in this By-Laws the council may serve notice on;

(a) the person directly or indirectly responsible for such accumulation, dumping, storing or depositing;

(b) the owner of such material, article or thing, whether or not he is responsible for such accumulation, dumping, storage or depositing;

(c) the owner of the erf on which such accumulation, dumping, storage or depositing is taking place, whether or not he is responsible therefore; or

(d) the owner of the erf on which there is an overgrown of bush, weeds, grass or vegetation, requiring such person or owner to dispose of, destroy or remove such material, articles or thing or to clear such overgrowth to satisfaction of the council.

(2) Should any person or owner fail to comply with the requirements of notice in terms of subsection (1) within the period stipulated by the council, the council may itself dispose of or destroy or remove such material, article, or thing, or clear the overgrowth from any erf at the cost of any one or more of the persons or owners mentioned in subsection (1)(a), (b), (c) and (9).

(3) Where on any erf there is contravention of section 2 the council may at its discretion serve a notice on either the owner or occupier to abate the nuisance.

Sanitary facilities at construction site.

5. Every person engaged in building operations, roads construction or construction work of any nature shall, when required to do so, provide adequate sanitary accommodation for himself and his employees to the satisfaction of and in accordance with any requirements specified by the council.

Unlawful occupation

6. (1) No person shall, without the permission of the council, occupy or permit to be occupied for human habitation a caravan, tent or other similar shelter of any description except on an authorized camping or caravan site controlled by council or any other camping or caravan site which conforms with the provisions of the By-Laws relating to such caravan park or camping sites.

(2) The council may serve notice on any person who is occupying a caravan, tent or shelter in contravention of subsection(1) to vacate such caravan, tent or shelter within three(3) after the service of such notice, failing which, such person shall be guilty of an offence.

Penalties

7. Any person who contravenes or fails to comply with any provision of these By-Laws shall be guilty of an offence and liable upon conviction to-

(1) a fine or imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,

(2) in the case of continuing offence, to an additional fine or an additional period of imprisonment of ten(10) days or such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,

(3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as a result of such contravention or failure.

8. Short title and commencement

These By-Laws shall be called Makhuduthamaga General Public Nuisance Control By-Laws and shall be in effect and force from the date of publication in the provincial gazette.

NOTICE – CHANGE OF TELEPHONE NUMBERS: GOVERNMENT PRINTING WORKS

As the mandated government security printer, providing world class security products and services, Government Printing Works has adopted some of the highly innovative technologies to best serve its customers and stakeholders. In line with this task, Government Printing Works has implemented a new telephony system to ensure most effective communication and accessibility. As a result of this development, our telephone numbers will change with effect from 3 February 2014, starting with the Pretoria offices.

The new numbers are as follows:

- Switchboard : 012 748 6001/6002
- Advertising : 012 748 6205/6206/6207/6208/6209/6210/6211/6212
- Publications Enquiries : 012 748 6052/6053/6058 GeneralEnquiries@gpw.gov.za
 - Maps : 012 748 6061/6065 BookShop@gpw.gov.za
 - Debtors : 012 748 6060/6056/6064 PublicationsDebtors@gpw.gov.za
 - Subscription : 012 748 6054/6055/6057 Subscriptions@gpw.gov.za
- SCM : 012 748 6380/6373/6218
- Debtors : 012 748 6236/6242
- Creditors : 012 748 6246/6274

Please consult our website at www.gpwonline.co.za for more contact details.

The numbers for our provincial offices in Polokwane, East London and Mmabatho will not change at this stage.