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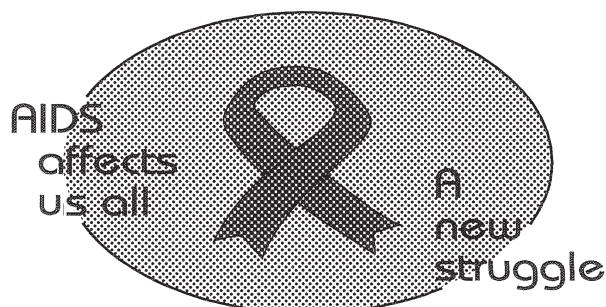
18 June 2021

18 Junie 2021

No: 3272

PART 1 OF 2

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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**PROVINCIAL NOTICE 60 OF 2021****NOTICE OF APPLICATION FOR PERMANENT CLOSURE OF PUBLIC OPEN SPACES IN TERMS OF SECTION 57, 58 AND RELATED SECTIONS OF THE GOVAN MBEKI MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016****Permanent closure of open space (reference: OPA_43856)**

We Rifumo Town & Regional planners being the authorised agent of the owner of erf 4772 Secunda extension 10 hereby give notice in terms of section 57, 58 and relevant sections of the Govan Mbeki spatial planning and land use management by law, 2016 that we have applied to the Govan Mbeki municipality for a permanent closure of public open space of the property described above situated in Secunda extension 10.

Particulars for these applications will lay for inspection during normal office hours at the Municipality planning and development room 325 south wing Secunda for a period of 21 days from 11th June 2021.

Objections to or representations in respect of the applications must be lodged in writing to the Municipal Manager at the above address or at Private Bag X1017, Secunda, 2302 within a period of 21 days from 11 June 2021 (last day being 09 July 2021).

PROVINCIAL NOTICE 61 OF 2021

**MPUMALANGA DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND
TRADITIONAL AFFAIRS****PUBLICATION OF MUNICIPAL BY- LAWS FOR LOCAL MUNICIPALITIES IN TERMS OF THE
LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT (ACT NO. 32 OF 2000)**

I, Busisiwe Paulina Shiba, in my capacity as Member of the Executive Council responsible for Co-operative Governance and Traditional Affairs, in the Mpumalanga Province, hereby publish municipal by-laws Emakhazeni local municipality, in terms of Section 13 (a) and (b) of the Local Government: Municipal Systems Act (Act No. 32 of 2000)

The municipal by-laws are concerning the following matter, namely:

Emakhazeni Local Municipality

1. Integrated Waste Management

Given under my hand at Mbombela, on 30 APRIL 2021



MRS B P SHIBA (MPL)

**MEC: DEPARTMENT OF CO-OPERATIVE GOVERNANCE
AND TRADITIONAL AFFAIRS**



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA



SOUTH AFRICAN LOCAL
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Emakhazeni Local Municipality

Integrated Waste Management By-Law

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Emakhazeni Local Municipality

INTEGRATED WASTE MANAGEMENT BY-LAWS

The Municipal Manager of the Emakhazeni Local Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), publishes the Integrated Waste Management by-laws for the Emakhazeni Local Municipality, ("Municipality") as approved by a resolution of its Council and as concurred with by the Premier: Mpumalanga Province.

These by-laws have been promulgated by the Municipality in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 and in accordance with section 9(3)(a)-(d) of the National Environmental Management: Waste Act, 2008 as amended.

2 CHAPTER ONE: INTRODUCTION

3 PURPOSE OF THE BY-LAWS

To regulate and provide for waste management services including collection and disposal of solid waste; to ensure that all practices concerning waste management are aligned to the Constitution of the Republic of South Africa, 1996, the National Environmental Management: Waste Act, 2008 as amended and the Local Government: Municipal Systems Act, 2000 as amended and in general to provide for mechanisms; forms; practices and procedures and matters incidental thereto to ensure a sustainable safe and healthy environment within the jurisdiction of the Municipality.

4 PREAMBLE

WHEREAS the "Municipality" has the Constitutional obligation to provide services including refuse removal, collection and disposal;

AND WHEREAS poor waste management practices can have adverse impact on the environment in and beyond Municipal boundaries;

AND WHEREAS the "Municipality" is committed to ensure that all residents, organisations, institutions, businesses, visitors or tourist and public bodies are able to access services from a legitimate waste service provider;

AND WHEREAS the "Municipality" wishes to regulate waste collection, separation, storage, processing, treatment, recycling, reuse and disposal of waste including littering and illegal dumping and the regulation of facilities used for the management of waste, with the ultimate aim of avoiding or minimising the generation and impact of waste;

AND WHEREAS the "Municipality" promotes the waste hierarchy approach as outlined in the National Waste Management Strategy.

BE IT THEREFORE ENACTED by the Emakhazeni Local Municipality as follows:-

5 DEFINITIONS

In these by-laws, any word or expression to which a meaning has been assigned in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) as amended and the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as amended; and associated regulations shall have the meaning so assigned and, unless the context indicates otherwise.

"adequate" means a standard or manner that in the opinion of the Council is sufficient to achieve the purpose and apply the principles of these By-laws.

"animal" means any cattle, sheep, goat, horse, mule, donkey, pig or any miniature of these species as well as any wild animals and pets; and includes any body parts, organs, blood, tissue or skin derived from such an animal.

"approved" means approved by the Council

"authorised official" means any official of the Council who has been authorised or designated by the Council to administer, implement and enforce the provisions of these by-laws, or an employee of a service provider acting within the scope of the powers, functions and duties assigned to that service provider by the Council, if the Council has for the purpose of the by-laws appointed a service provider;

"bin" means a standard type of refuse bin or container as approved by the Municipality.

"bin liner" means a loose plastic bag as prescribed by the Council and which is being placed inside the refuse bin.

"bulk garden waste" means waste such as tree stumps, branches of trees, hedge stumps, and branches of hedges and any other garden waste, which by virtue of its mass, shape, size and quantity cannot be removed in a standard refuse bin or a refuse bin liner.

"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 inconvenient to remove in the routine door-to-door council service provided by the council or service provider;

"business waste" means waste, other than hazardous waste, medical waste, infectious waste, building waste, industrial waste, garden waste, bulky waste, recyclable waste and special industrial waste, generated on premises used for non-residential purposes;

"by-law" means legislation passed by the Municipality's council which is binding on persons who resides within, visiting the area of authority of the Municipality or using municipal services;

"charges" also means a tariff, which is an amount levied for the removal of any waste in terms of these regulations and of which the amount is determined by Council in each financial year.

"contaminated animal carcasses, body parts and bedding" means contaminated carcasses, body parts and bedding of animals that were intentionally exposed to pathogens in research, in the production of biologicals, or the *in vivo* testing of pharmaceuticals;

"contaminated sharps" means discarded sharps (e.g. hypodermic needles, syringes, pasteur pipettes, broken glass, scalpel blades) which have come into

contact with infectious agents during use in patient care or in medical, research or industrial laboratories.

"Council" means –

- (a) the Emakhazeni Local Municipality established in terms of Part 6 of Proclamation 300, dated 1 October 2000, exercising its legislative and executive authority through its Municipal Council; or
- (b) its successor in title; or
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws 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);

"cultures and stocks of infectious agents and associated biologicals" means specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals and live or attenuated vaccines and culture dishes and devises used to transfer, inoculate and mix cultures.

"domestic waste " means waste normally generated from a premises used as a residence or private dwelling house, including flats, schools, hostels, boarding houses, compounds, benevolent societies, churches and halls situated on private property and which can be easily removed without damaging the bin liner, but does not include business waste, building waste, garden waste or bulky waste.

"dry industrial waste" means dry waste generated as a result of manufacturing, maintenance, fabricating and dismantling activities and the activities of railway marshalling yards, but shall not include builders waste, special industrial waste, hazardous waste or domestic waste;

"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 interrelationship among and between them, and
- (d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;

"Environmental Health Practitioner" means an official appointed by the Council, and who is duly registered as an Environmental Health Practitioner with the Health Professions Council of South Africa in terms of Section 33 (1) of the Medical, Dental and Supplementary Health Services Professions Act, 1974 (Act 56 of 1974); and has the same meaning as "health officer" in terms of the Health Act, 2003 (Act 61 of 2003).

"garden waste" means organic waste which emanates from gardening or landscaping activities at residential, business or industrial premises including but not limited to grass cuttings, leaves, branches, and includes any biodegradable material and excludes waste products of animal origin and bulky waste;

"garden services" means a garden service rendered by a private person or company within the area of the Municipality; whose activities includes the cutting of grass, pruning of trees or any other horticultural activity, landscaping, in respect of any domestic, business, commercial or industrial premises;

"generator" means the person or premises where any type of waste is generated and who will be held responsible to ensure that waste is removed in a manner as prescribe by Council;

"general waste" means waste that does not pose an immediate hazard or threat to health or to the environment, and includes— (a) domestic waste; (b) building and demolition waste; (c) business waste; (d) inert waste; or (e) any waste classified as non-hazardous waste in terms of the regulations made under section 69 of the National Waste Act as amended and includes non-hazardous substances, materials or objects within business, domestic, inert, building and demolition wastes as outlined below:

"health care risk waste" means waste capable of producing any disease and includes, but is not limited to the following:

- (a) laboratory waste;
- (b) pathological waste;
- (c) isolation waste;
- (d) genotoxic waste;
- (e) infectious liquids and infectious waste;
- (f) sharps waste;
- (g) chemical waste; and
- (h) pharmaceutical waste;

"hazardous waste" means any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics of that waste, have a detrimental impact on health and the environment;

"human blood and blood products" means waste such as serum, plasma and other blood components;

"illegal dumping" means the placement of any type of waste on or at any premises, public place or anywhere other than an approved receptacle or a place designated as a waste handling facility or waste disposal facility by the Council.

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

"infectious waste" means all waste which is capable of causing an infectious disease;

"integrated waste management plan" means any waste management plan required to be prepared in terms of these by-laws by specified generators or holders of waste;

"isolation wastes". Wastes generated by patients who have communicable diseases which are capable of being transmitted to others via those wastes;

"litter" means waste, excluding hazardous waste, arising from activities in public areas that has not been deposited of in a public litter container;

"livestock" means the same as animals;

"mass waste container" means a waste container, which may be used for the removal of business waste, industrial waste and garden waste,

"miscellaneous contaminated waste" means waste from surgery and autopsy (e.g. soiled dressing, sponges, drapes, lavage tubes, drainage sets, underpads and gloves), contaminated laboratory waste (e.g. specimen containers, slides and cover slips, disposal gloves, laboratory coats and aprons), dialysis unit waste (e.g. tubing filters, disposable sheets, towels, gloves, aprons and laboratory coats), and contaminated equipment (e.g. equipment used in patient care, medical and industrial laboratories, research and in the production and testing of certain pharmaceuticals);

"municipality" means the Emakhazeni Local Municipality, and has the same meaning as Council;

"Municipal Manager" means a person appointed in terms of Section 82 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998).

"Municipal Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as amended;

National Waste Act means the National Environmental Management: Waste Act, 2008 as amended by Act 26 of 2014

"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(s)" in relation to any premises, means any person who is in actual occupation of such premises and if no person is in actual occupation thereof, any person who, whether as owner, lessee, licensee or otherwise has, for the time being, control of such premises and shall include a street trader who occupies a site for the purposes of such street trader's business;

"owner" means the registered owner, lessee or occupier of premises, or the person in charge or control of any premises or part thereof, who is over 18 years of age, and any person who obtains a benefit from the premises or is entitled thereto;

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

"premises" means any land, building or structure or any portion of land, building or structure on or in which any of the activities regulated by these by-laws are carried on thoroughfare however created which is in the undisturbed use of the public or which the public have the right to use, or any privately owned land or property;

"provincial environmental department" means the provincial department responsible for environmental matters;

"public place" means any square, park, recreation ground, sport ground, sanitary lane or open space which has-

- a) in connection with any subdivision or layout of land into erven, lots of plots, been provided, reserved or set apart for use by the public or the owner or occupiers of such erven, lots of plots, whether or not it is shown on a general plan, plan of subdivision or diagram;
- b) at any time been dedicated to the public;
- c) been used without interruption by the public for a period at least 30 years expiring after 31 December 1959; or

d) at any time been declared or rendered such by a Council or other competent authority;

"receptacle" means an approved container having a capacity for temporary storage of waste in terms of these by-laws;

"recovery" means the controlled extraction or retrieval of any substance material or object from waste;

"recycling" means the collection, selection or removal of waste for the purpose of reselling or reusing selected materials in a manufacturing or other process;

"re-use" means to utilise the whole, a portion of, or a specific part of any substance, material or object from the waste stream for a similar or different purpose without changing the form or properties of such substance, material or object;

"service provider/contractor" means the person, firm or company whose tender/quotation has been accepted by or on behalf of the Municipality and includes the contractor's heirs, executors, administrators, trustees, judicial managers or liquidators, as the case may be, but not, except with the written consent of the Municipality, any assignee of the contractor;

"South African waste information system" means a national waste information system established in terms of section 60 of the National Environmental Management: Waste Act

"special industrial waste" means waste consisting of a solid, liquid or sludge resulting from a manufacturing process or the pre-treatment for disposal purposes or any industrial liquid waste or mining liquid waste, which may not be discharged into a drain, municipal sewer or any other unauthorized public place;

"tariff" means the prescribed charge determined by the Municipality in terms of any applicable legislation for any service rendered by the Municipality in terms of these by-laws;

"transfer station" means a site designated by Council for the disposal and temporary storage of garden waste, small volume builders waste, bulky waste, domestic waste and business waste, and where industrial or hazardous waste, noxious waste, infectious waste and medical waste shall not be allowed.

"unauthorized place" means any place that was not authorized by the Municipality for the discarding of waste.

"waste" has the meaning as assigned to it in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) as amended and includes domestic waste, special domestic waste, business waste, garden waste, builder's waste, industrial waste, special industrial waste, medical waste, bulky waste or hazardous waste, and includes any material or object deemed to be abandoned, unwanted rejected, abandoned, discarded or disposed of;

"waste picker" means a person who salvages reusable or recyclable materials thrown away by others to sell or for personal consumption;

"waste management activity" means any activity listed in Schedule 1 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) as amended or published by notice in the National or Provincial Gazette under section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) as amended;

“waste management hierarchy” means waste management systems and options starting from generation, storage, recycling, recovery, treatment and final disposal of all type of waste; and

“waste management officer” means a waste management officer designated in terms of section 10 of the Waste Act.

6 OBJECTIVES AND PRINCIPLES

- 1) The objectives of these by-laws are to –
 - a) give effect to the right contained in section 24 of the Constitution by regulating waste management within the area of the Municipality’s jurisdiction;
 - b) provide, in conjunction with any other applicable law, an effective legal and administrative framework, within which the Municipality can manage and regulate waste management activities;
 - c) ensure that waste is avoided, or where it cannot be altogether avoided, minimised, re-used, recycled, recovered, and disposed of in an environmental sound manner; and
 - d) promote and ensure an effective delivery of waste services.

7 SCOPE OF APPLICATION OF THE BY-LAW

- 1) These by-laws must be read with any applicable provisions of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) as amended by Act No. 26 of 2014.
- 2) In the event of any conflict with any other by-law which directly or indirectly, within the jurisdiction of the Municipality, regulates waste management, the provisions of this by-law shall prevail to the extent of the inconsistency.
- 3) The by-laws do not override any other national and provincial waste related legislation.

8 PRINCIPLES

- 1) Any person exercising a power in accordance with these by-laws must; at all times; seek to promote the waste management hierarchy approach as outlined in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and the National Waste Management Strategy, which is promoting waste avoidance and minimisation, waste reuse, recycling and recovery, waste treatment and disposal.
- 2) These by-laws seek to promote sustainable development and environmental justice through fair and reasonable measures for the management of waste within the Municipality’s jurisdiction.
- 3) The by-laws promote participation of all municipal residents in the promotion of responsible citizenship by ensuring sound waste management practices within residential and industrial environments.

9 GENERAL DUTY OF CARE

- 1) Every person has a duty to manage any waste generated by his or her activities or the activities of those persons working under his or her direction in such a manner that the waste does not cause harm to human health or damage to the environment. In particular, the person must ensure that:
 - a) waste generation is avoided and where such waste cannot be avoided, minimise the toxicity and amounts of waste;
 - b) waste is reduced, reused, recycled or recovered;
 - c) where waste must be disposed of, the waste is treated and disposed in an environmentally sound manner;
 - d) the waste is managed in such a manner that it does not endanger health or the environment or cause a nuisance through noise, odour or visual impacts.
- 2) Any person subject to the duty imposed in subsection (1) may be required by the Municipality or an authorised official to take measures to ensure compliance with the duty.
- 3) The measures referred to in subsection (2), that a person may be required to undertake include –
 - e) investigation, assessment and evaluation of the impact that their activities, the process or a situation have on the environment;
 - f) informing and educating employees about the environmental risks of their work and the manner in which their tasks must be performed in order to avoid causing damage to the environment;
 - g) ceasing, modifying or controlling any act, process, situation or activity which causes damage to the environment;
 - h) containing or preventing the movement of pollutants or other causes of damage to the environment;
 - i) eliminating or mitigating any source of damage to the environment; or
 - j) rehabilitating the effects of the damage to the environment.

10 CHAPTER 2: SERVICE PROVIDERS

11 SERVICE PROVIDERS/CONTRACTORS

- 1) The Municipality may discharge any of its obligations by entering into a service delivery agreement with a service provider or service providers in terms of the Municipal Systems Act.
- 2) Subject to the provisions of the Municipal Systems Act or any other legislation, the Municipality may assign to a service provider any power enjoyed by the Municipality under these by-laws: provided that the assignment is required for the service provider to discharge an obligation under its service delivery agreement, but the accountability shall remain with the Municipality.
- 3) Any reference in these by-laws to "Municipality or service provider" should be read as the "Municipality" if the Municipality has not entered into a service delivery agreement, and should be read as "service provider" if the Municipality has entered into a service delivery agreement.

- 4) Service providers must provide services in accordance with a customer charter which must be drawn up in consultation with the Municipality and which must-
 - a) accord with the provisions of these by-laws;
 - b) be accessible to the public;
 - c) establish the conditions of the service including collection times; and
 - d) provide for the circumstances in which Municipal services may be limited.

12 CHAPTER 3: PROVISION OF WASTE SERVICES

13 STORAGE AND RECEPTACLES FOR GENERAL WASTE

- 1) Any person or owner of premises where general waste is generated must ensure that such waste is stored in a receptacle provided or approved by the Municipality.
- 2) Any person or owner of premises contemplated in subsection (1) must ensure that-
 - a) the receptacle is stored inside the yard where applicable, away from the public area when still waiting for collection;
 - b) on agreed collection date, it should be placed outside the premises in an area accessible to the municipal officials or service providers;
 - c) pollution and harm to the environment is prevented;
 - d) waste cannot be blown away and that the receptacle is covered or closed;
 - e) measures are in place to prevent tampering by animals;
 - f) nuisance such as odour, visual impacts and breeding of vectors do not arise;
 - g) suitable measures are in place to prevent accidental spillage or leakage;
 - h) the receptacle is intact and not corroded or in any other way rendered unfit for the safe storage or transportation of the waste;
 - i) that a receptacle(s) provided by the Municipality is not used for any other purpose other than storage of waste;
 - j) in cases where a receptacle (s) is damaged or corroded, the owner or occupier must notify the Municipality and arrange for replacement as soon as it comes to their attention;
 - k) waste is only collected by the Municipality or authorised service provider; and
 - l) in cases where an owner or occupier is not available on the day of collection, make necessary arrangements to ensure that waste is accessible for removal or collection.

14 COLLECTION AND TRANSPORTATION

- 1) The Municipality may -
 - a) only collect waste stored in approved receptacles;
 - b) set collection schedules for both commercial and residential properties for reasons of health, safety or environmental protection.

- c) collect waste outside the set schedule on request by any person and at a fixed tariff agreed to by both parties prior to collection.
 - d) set the maximum amount of quantities of waste that will be collected;
 - e) identify waste streams which may not be collected by the Municipality or which are unsuitable for collection; and where such a case exists, advise the owner of alternatives.
- 2) Any person transporting waste within the jurisdiction of the Municipality must –
- a) ensure that the receptacle or vehicle or conveyance is adequate in size and design for the type of waste transported;
 - b) remove or transport the waste in a manner that would prevent any nuisance or escape of material;
 - c) maintain the receptacle or vehicle or conveyance in a clean, sanitary condition at all times;
 - d) not permit waste transported to become detached, leak or fall from the receptacle or vehicle or conveyance transporting it;
 - e) ensure that waste is transported or deposited at a waste transfer station, recycling facility and/or disposal facility licensed to accept such waste;
 - f) ensure that the vehicle is not used for other purposes whilst transporting waste;
 - g) apply to the Municipality to register as a transporter of waste in accordance with the requirements set out by the Municipality and adhere to all the conditions attached to the registration.
- 3) Subsection (2) does not apply to transportation or collection of own recyclable waste; persons engaged in fundraising ventures or bona fide non-governmental organisations if the collection, transportation, sorting, storing, re-using or recycling of waste is not for profit.

15 WASTE TRANSFER STATIONS, BUY BACK CENTRES, MATERIAL RECOVERY FACILITIES OR ANY OTHER FACILITIES

- 1) Transporters of waste, as registered in terms of section 10(2)(g) must –
- a) utilise appropriate waste transfer stations as directed by the Municipality or service provider; and
 - b) adhere to the operational procedures of a transfer station as set out by the Municipality.

16 WASTE DISPOSAL

- 1) Waste generated in the municipal area must be disposed of at a waste disposal facility as directed by the Municipality.
- 2) In disposing of waste the operator of the site must comply with the provisions of any other legislation regulating the disposal of waste.
- 3) Any person disposing waste at a Municipal owned disposal site must adhere to the site operational procedures approved by the Municipality.
- 4) All private waste disposal sites within the jurisdiction of the Municipality, must comply to local norms and standards and any other relevant legislation.

17 CHAPTER 4: RECYCLING OF WASTE**18 STORAGE, SEPARATION AND COLLECTION OF RECYCLABLE DOMESTIC WASTE**

- 1) Any person who is undertaking any activity involving reduction, re-use, recycling or recovery of waste including scrap dealers, by-back centres and formalised recycling groups must, before undertaking that activity, make sure that the activity is less harmful to the environment than the disposal of such waste and must notify the Municipality of an intention to undertake such an activity in writing.
- 2) Any person undertaking the activities contemplated in subsection (1) must adhere to the requirements set out in national or provincial legislation.
- 3) The Municipality may require any person or owner of premises to separate their waste and use different receptacles provided by the Municipality or service provider.
- 4) In cases where the Municipality, service provider or industry has provided separate receptacles for recyclable material, no person may use other receptacles for recyclable material.

19 CHAPTER 5: WASTE INFORMATION**20 REGISTRATION AND PROVISION OF WASTE INFORMATION**

- 1) Any person who conducts an activity, which has been identified in terms of the provincial and/or national waste information system, must upon request, present to the Municipality proof that such an activity is registered and report the required information.
- 2) The Municipality may, at its own discretion and as reasonably possible, require any facility, person or activity to register and report to the Municipality any other information for the purpose of facilitating effective waste management within its jurisdiction.

21 PREPARATION AND REPORTING ON THE IMPLEMENTATION OF INTEGRATED WASTE MANAGEMENT PLANS BY CERTAIN GENERATORS OR HOLDERS OF WASTE

- 1) The Municipality may, by notice published in the Provincial Gazette, require specified generators or holders of waste to prepare integrated waste management plans.
- 2) A notice referred to in subsection (1) shall specify the generators or holders of waste that need to compile an integrated waste management as well as the prescribed form required for the integrated waste management plan and the submission date for it.
- 3) Any person who is required by the Municipality to prepare an integrated waste management plan may be required to review and update the plan and to submit an amended plan at intervals specified by the Council.

22 CHAPTER 6: PROVISION FOR REGISTRATION OF TRANSPORTERS

23 REQUIREMENTS FOR REGISTRATION

- 1) Any person who transports waste for gain must adhere to the requirements as set out in section 25 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).
- 2) The Municipality may, by notice in the Provincial Gazette, require any person or category of transporters to register and report to the Municipality information as set out in that notice. The notice may include but not limited to-
 - a) the application forms;
 - b) a prescribed fee;
 - c) renewal intervals;
 - d) list of transporters, types and thresholds of waste transported;
 - e) minimum standards or requirements to be complied with.

24 CHAPTER 7: LISTED WASTE MANAGEMENT ACTIVITIES

25 COMMENCEMENT, CONDUCTING OR UNDERTAKING OF LISTED WASTE MANAGEMENT ACTIVITIES

- 1) Any person conducting a waste management activity listed in terms of section 19 of the National Environmental Management: Waste Act as amended, must upon request by an official of the Municipality, provide proof of compliance with the requirements of the licence issued by the competent authority.
- 2) Any person conducting or intending to conduct any activity contemplated in subsection 19(1) of the National Environmental Management: Waste Act as amended must, at least sixty (60) days before commencement, conducting or undertaking such activity, inform the Municipal waste management officer in writing of the intention.

26 CHAPTER 8: GENERAL PROVISIONS

27 DUTY TO PROVIDE FACILITIES FOR LITTER

- 1) The Municipality, or owner of premises in the case of privately owned land, must take reasonable steps to ensure that sufficient and appropriate 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 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 thereof;
 - e) placed in locations convenient for the use by users or occupants of the premises to discourage littering or the unhealthy accumulation of waste; and
 - f) emptied and cleansed periodically or when full. The emptying and cleansing of receptacles must be done frequently to ensure that no receptacle or its contents may become a nuisance or provide reasonable grounds for complaint.
- 3) In any public place where a receptacle has been placed for the depositing of litter, the Municipality may put up notices about littering.

28 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 9 (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.

29 PROHIBITION OF NUISANCE

- 1) Any person handling waste within the Municipality, either through storage, collection, transportation, recycling or disposal must–
- a) take reasonable measures to prevent nuisance, injury, harm, damage, annoyance or inconvenience to any person and the environment;
 - b) take measures to remedy any spillages, harm, damage or nuisance referred to in section (a) above;
 - c) at their own cost, clean any waste causing nuisance to any person or the environment; and
 - d) ensure compliance to any compliance notice issued by the Municipality in terms of section 45(1) of this by-law.
- 2) The Municipality may clean or remedy waste causing nuisance to any person or the environment, at the Municipality's cost and claim such cost from the offender.

30 BURNING OF WASTE

- 1) No person may–

- a) dispose of waste by burning it, either in a public or private place; or
- b) incinerate waste either in a public or private place except in an incinerator licensed by the relevant national or provincial authorities to do so, or at a place designated by the Municipality for such purpose.

31 UNAUTHORISED DISPOSAL/DUMPING

- 1) No person may, except with the permission of the occupier, owner or of the person or authority having control thereof, dump, accumulate, place, deposit, leave or cause or allow to be dumped, accumulated, placed, deposited or left any waste whatsoever, whether for gain or otherwise, on or in a public place; any drain, watercourse, flood prone areas, tidal or other water in or in the vicinity of any road, highway, street, lane, public footway or pavement, roadside or other open space to which the public have access; or private or municipal land.
- 2) The local authority may at the expense of an owner of land, person in control of land or a person who occupies the land rehabilitate any damage caused to the environment as a result of the activity or failure of the person referred to in subsection (1) above to take reasonable measures to prevent unauthorised disposal or dumping.

32 ABANDONED ARTICLES

- 1) Any article, other than a motor vehicle deemed to have been abandoned in terms of the Road Traffic Act, 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 deem fit.
- 2) The Municipality may remove and dispose of any article which is chained or fastened to any pole, parking meter or any other property belonging to the council, without authorisation, as it may deem fit.

33 LIABILITY TO PAY APPLICABLE TARIFFS

- 1) The owner of premises where the Municipality is rendering waste services contemplated in this by-law is liable for the payment of prescribed tariffs for such services, and is not exempted from or reduction of such tariffs due to non-usage, partial or limited use of such services.
- 2) The Municipality reserves the right to review such tariffs contemplated in subsection (1) above on an annual basis.
- 3) The Municipality may exempt any person or category of persons deemed to be falling in the indigent category from paying prescribed tariffs for waste management services as outlined in the Municipal Indigent Policy.

34 ON-SITE DISPOSAL

- 1) The Municipality may, as it deems fit, in an area where a municipal waste management service is not already provided, after consultation with the

concerned community, declare an area(s) as demarcated for on-site disposal of general waste.

- 2) A declaration contemplated in subsection (1) above must be published in a Provincial Gazette and may include but not limited to—
 - a) time frames for such a declaration;
 - b) minimum standards to be adhered to for on-site disposal; and
 - c) quantity of waste that may be disposed.
- 3) The Municipality has a right to inspect the areas contemplated in subsection (1) on a regular basis.

35 CONDUCT AT DISPOSAL SITES

- 1) Any person who, for the purpose of disposing of waste enters a waste disposal site controlled by the Council shall –
 - a) enter the disposal site only at an authorised access point;
 - b) give the Council all the particulars required in regard to the composition of the waste; and
 - c) follow all instruction(s) given to him/her in regard to access to the actual disposal point, the place where and the manner in which the waste should be deposited.
- 2) No person shall bring intoxicating liquor onto a disposal site controlled by the Council.
- 3) No person shall enter a disposal site controlled by the Council for any purpose other than the disposal of waste in terms of this by-law and then only at such times as the Council may from time to time determine.

36 OWNERSHIP OF WASTE

- 4) All waste removed by the Council and all waste disposal sites controlled by the Council shall be the property of the Council and no person who is not authorised by the Council to do so, remove or interfere therewith.
- 5) Only waste which is generated on premises within the Council's area of jurisdiction may be disposed of on the Council's waste disposal sites.

37 STORAGE, COLLECTION, COMPOSTING AND DISPOSAL OF GARDEN WASTE

- 1) The owner or occupier of the premises on which garden waste is generated, may compost garden waste on the property, provided that such composting does not cause a nuisance or health risk.
- 2) The owner or occupier of the premises on which garden waste is generated and not composted, must ensure that such waste is collected and disposed within a reasonable time after the generation thereof.
- 3) The Municipality may, as far it is reasonably possible, direct any transporter of garden waste or any person providing garden maintenance services, to

transport their garden waste to a designated transfer station or facility provided by the Municipality.

- 4) At the written request of the owner or occupier of premises the Municipality or service provider may, in its sole discretion, deliver an appropriate receptacle for the purpose of storing garden waste in addition to any approved receptacle delivered to the premises for the storage of domestic waste; at a prescribed additional tariff.

38 COLLECTION AND DISPOSAL BULKY WASTE

- 1) Any person generating bulky waste must ensure that such waste is collected and recycled or disposed of at a designated facility and may not put such waste as part of the municipal routine collection.
- 2) At a request of the owner or occupier of any premises, the Municipality may remove bulky waste from premises at a prescribed tariff, provided that the Municipality is able to do so with its refuse removal equipment. All such waste shall be placed within 3m of the boundary loading point, but not on the sidewalk.
- 3) In case a Municipality has been called to remove illegally dumped waste on vacant land, the Municipality may remove that waste subject to subsection (2) and charge the owner of that vacant land.

39 GENERATION, STORAGE, COLLECTION, REUSE AND DISPOSAL OF BUILDING WASTE

- 1) The owner or occupier of premises on which building waste is generated and person conducting an activity which causes such waste to be generated, must ensure that—
 - a) until disposal, all building waste, together with the containers used for the storage, collection or disposal thereof, 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.
- 2) Any person may operate a building waste removal service subject to adherence to relevant legislation.
- 3) Should the Municipality provide such a service, it shall be done at a prescribed tariff.
- 4) The owner or occupier of premises may apply to the Municipality for written consent to place an appropriate receptacle for the storage and collection of building waste in the road reserve for the period of such consent.
- 5) If containers or other receptacles used for the removal of builders waste, bulky waste of other waste material from premises can in the opinion of the Council not to be kept on the premises, such containers or other receptacles may with

the written consent of the Council be placed in the roadway for the period of such consent.

- 6) Any consent given in terms of subsection (5) shall be subject to such conditions as the Council may deem necessary: Provided that in giving or refusing its consent or in laying down conditions the Council shall have regard to the convenience and safety or the public.
- 7) The written consent of the Council referred to in subsection (5) shall only be given on payment of the tariff charge for the period of such consent.
- 8) Every receptacle, authorised in terms of subsection (4) above and used for the removal of building waste, must –
 - a) have a clearly marked name, address and telephone number of the person in control of such approved receptacle;
 - b) be fitted with reflecting chevrons or reflectors which must completely outline the front and the back thereof; and
 - c) be covered at all times other than when actually receiving or being emptied of such waste so that no displacement of its contents can occur.
- 9) The owner or occupier of premises on which building waste is generated must ensure that the waste is disposed of at a facility designated for that purpose by the Municipality.
- 10) For the purpose of reclamation of land, reuse or recycling, building waste may with written consent of the Municipality, be deposited at a place other than the Municipality's waste disposal sites.
- 11) A consent given in terms of subsection (7) above shall be subject to the conditions, as the Municipality may deem necessary.

40 SPECIAL INDUSTRIAL, HAZARDOUS OR HEALTH CARE RISK WASTE

- 12) Any waste generator who generates special industrial, hazardous or health care risk waste or an owner of premises where such waste is generated must contract with an accredited service provider to collect and dispose of such waste at a licensed hazardous waste disposal facility.
- 13) Subsection (1) above does not apply to generators of waste who have the capacity to conduct the service.
- 14) Any person transporting industrial, hazardous or health care risk waste must ensure that the facility or place to which such waste is transported is authorised to accept such waste prior to offloading the waste from the vehicle.
- 15) Special industrial waste stored on premises shall be stored in such manner that it cannot become a nuisance or pollute the environment.
- 16) If special industrial waste is not stored in terms of subsection (15) on the premises on which it is generated, the Council may order the owner of the premises and the person referred to in subsection (12) to remove such waste within a reasonable time and, if thereafter such waste is not removed within such time, the Council may by itself or through a contractor remove it for the owner's expense.

41 CHAPTER 9: ADMINISTRATIVE MATTERS, COMPLIANCE AND ENFORCEMENT

42 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 Municipal 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 person's technical understanding and experience of matters related to waste management; and any other factor that may be relevant to supervision and enforcement of these bylaws, 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.

43 POWERS OF AUTHORISED OFFICIALS

- 1) An authorised official may, with the consent of the owner or person in charge of a vehicle or other mode of conveyance, search that vehicle or other mode of conveyance found in any place.
- 2) If consent is not obtained the vehicle or other mode of conveyance may be searched or stopped and searched, only pursuant to a valid written authorisation issued by a justice of the peace as contemplated in sections 3 and 4 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963).
- 3) If, following a search, an authorised official believes that the presence of waste in or on such vehicle or other mode of conveyance is a serious and immediate danger to human health or to the environment, the authorised official must instruct the owner or person in control of the vehicle concerned in writing to take the necessary steps specified in that instruction to mitigate harm to human health or damage to the environment.

- 4) In the event of a refusal or failure to comply with an instruction given in terms of sub-section 3 above, the authorised official may report the matter to the closest branch of the South African Police Services with a view to seizure of the vehicle concerned in terms of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).
- 5) An authorised official may subject to Section 101 of the Systems Act, enter any premises if a justice of the peace as contemplated in Section 3 and 4 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963), has issued a written authorization to enter premises, for the purposes of ascertaining compliance with these by-laws.
- 6) The authorised official with a written authorisation referred to in subsection (5) above is allowed to
 - a) inspect any document that a person is required to maintain in terms of any law or that may be relevant to any work or inspection;
 - b) copy any document referred to in paragraph (a) above or if necessary, remove the document in order to copy it;
 - c) take samples of any substance that is relevant to the work or inspection; and
 - d) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises.

44 COMPLIANCE NOTICES

- 1) If, in the opinion of an authorised official, a person is contravening any provision of these by-laws, that official may in writing issue a compliance notice and serve it on the person concerned.
- 2) An authorised official who is satisfied that the person served with the compliance notice has complied with the terms of the notice may issue a compliance certificate to that effect.
- 3) A compliance notice remains in force until an authorised official has issued a compliance certificate in respect of that notice.
- 4) A compliance notice must set out:
 - a) the provision that has not been complied with;
 - b) details of the nature and extent of noncompliance;
 - c) any steps that are required to be taken and the period within which those steps must be taken; and
 - d) any penalty that may be imposed in terms of these by-laws in the event of noncompliance with these steps.

45 EXEMPTIONS

- 1) Any person may by means of a written application, in which the reasons are given in full, apply to the Municipality for exemption from any provision of this by-law.
- 2) The Municipality may –

- a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted be stipulated therein;
 - b) alter or cancel any exemption or condition in an exemption; or
 - c) refuse to grant an exemption.
- 3) In order to consider an application in terms of subsection (1), the Municipality may obtain the input or comments of the owners or occupants of surrounding premises.
- 4) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the Municipality under subsection (2), however, if an activity is commenced before such undertaking has been submitted to the Municipality, the exemption lapses.
- 5) If any condition of an exemption is not complied with, the exemption lapses immediately.

46 APPEALS

- 1) A person whose rights are affected by a decision taken by the Municipality in terms of these by-laws, may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, to the Municipal Manager or delegated official within 21 days of the date of the notification of the decision.

47 OFFENCES

- 2) Any person who –
- a) obstructs or hinders the Municipality in exercising the powers or performance of functions or duties as outlined in this by-laws;
 - b) contravenes or fails to comply with any provision of these by-laws; or
 - c) fails to comply with the terms of a notice served upon him or her in terms of these by-laws, shall be guilty of an offence.

48 PENALTIES

- 1) Any person who contravenes or fails to comply with a provision of these by-laws is guilty of an offence and liable on conviction to imprisonment for a period not exceeding fifteen years or to a fine or to both such fine and imprisonment.

49 SHORT TITLE AND COMMENCEMENT

- 1) These by-laws are called the Integrated Waste Management By-laws of the Emakhazeni Local Municipality, and take effect on the date determined by the Municipality in the Provincial Gazette.
- 2) Different dates may be so determined for different provisions of these by-laws.

50 REPEAL OF BY-LAWS

- 1) Any by-law relating to waste management or refuse removal or disposal within the Municipality or any of its predecessors or areas formerly existing under

separate Municipalities or other organs of State is repealed from the date of promulgation of these by-laws.

PROVINCIAL NOTICE 62 OF 2021

**MPUMALANGA DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND
TRADITIONAL AFFAIRS****PUBLICATION OF MUNICIPAL BY- LAWS FOR LOCAL MUNICIPALITIES IN TERMS OF THE
LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT (ACT NO. 32 OF 2000)**

I, Busisiwe Paulina Shiba, in my capacity as Member of the Executive Council responsible for Co-operative Governance and Traditional Affairs, in the Mpumalanga Province, hereby publish municipal by-laws Msukaligwa local municipality, in terms of Section 13 (a) and (b) of the Local Government: Municipal Systems Act (Act No. 32 of 2000)

The municipal by-laws are concerning the following matter, namely:

Msukaligwa Local Municipality

1. Land Invasion
2. Municipal Waste

Given under my hand at Mbombela, on 30 April 2021



MRS B P SHIBA (MPL)
**MEC: DEPARTMENT OF CO-OPERATIVE GOVERNANCE
AND TRADITIONAL AFFAIRS**



MUNICIPAL WASTE MANAGEMENT BY-LAW

Notice is hereby given in terms of section 13 of the Local Government: Municipal Systems Act, No. 32 of 2000, as amended, read with sections 156 and 162 of the Constitution of the Republic of South Africa Act, No. 108 of 1996, as amended, that Msukaligwa Local Municipality under Council resolution number **LM 774/08/2020** resolved to adopt the Municipal Waste Management By-law.

Msukaligwa Waste Management By-Laws

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REPEAL OF BY-LAWS AND TRANSITIONAL ARRANGEMENTS

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Preamble

WHEREAS the “Municipality” has the Constitutional obligation to provide services including refuse removal, collection and disposal;

AND WHEREAS poor waste management practices can have adverse impact on the environment in and beyond Municipal boundaries;

AND WHEREAS the “Municipality” is committed to ensure that all residents, organisations, institutions, businesses, visitors or tourist and public bodies are able to access services from a legitimate waste service provider;

AND WHEREAS the “Municipality” wishes to regulate waste collection, separation, storage, processing, treatment, recycling, reuse and disposal of waste including littering and illegal dumping and the regulation of facilities used for the management of waste, with the ultimate aim of avoiding or minimising the generation and impact of waste;

AND WHEREAS the “Municipality” promotes the waste hierarchy approach as outlined in the National Waste Management Strategy.

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CHAPTER 1: DEFINITIONS, OBJECTIVES AND PRINCIPLES

1. Definitions

In these by-laws, any word or expression to which a meaning has been assigned in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and associated regulations shall have the meaning so assigned and, unless the context indicates otherwise.

“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 inconvenient to remove in the routine door-to-door council service provided by the council or service provider;

“by-law” means legislation passed by the municipality’s council which is binding on persons who resides within, visiting the area of authority of the municipality or using municipal services;

“garden waste” means organic waste which emanates from gardening or landscaping activities at residential, business or industrial premises including but not limited to grass cuttings, leaves, branches, and includes any biodegradable material and excludes waste products of animal origin and bulky waste;

“health care risk waste” means waste capable of producing any disease and includes, but is not limited to the following:

- (a) laboratory waste;

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- (b) pathological waste;
- (c) isolation waste;
- (d) genotoxic waste;
- (e) infectious liquids and infectious waste;
- (f) sharps waste;
- (g) chemical waste; and
- (h) pharmaceutical waste;

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

“litter” means waste, excluding hazardous waste, arising from activities in public areas that has not been deposited of in a public litter container;

“municipality” means a municipality established in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“Municipal Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 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(s)” in relation to any premises, means any person who is in actual occupation of such premises and if no person is in actual occupation thereof, any person who, whether as owner, lessee, licensee or otherwise has, for the time being,

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control of such premises and shall include a street trader who occupies a site for the purposes of such street trader's business;

"owner" means the registered owner, lessee or occupier of premises, or the person in charge or control of any premises or part thereof, who is over 18 years of age, and any person who obtains a benefit from the premises or is entitled thereto;

"receptacle" means an approved container having a capacity for temporary storage of waste in terms of these by-laws;

"service provider/contractor" means the person, firm or company whose tender/quotation has been accepted by or on behalf of the Municipality and includes the contractor's heirs, executors, administrators, trustees, judicial managers or liquidators, as the case may be, but not, except with the written consent of the Municipality, any assignee of the contractor;

"tariff" means the prescribed charge determined by the Municipality in terms of any applicable legislation for any service rendered by the Municipality in terms of these by-laws.

2. Objectives of the by-laws

- (1) The objectives of these by-laws are to –
 - (a) give effect to the right contained in section 24 of the Constitution by regulating waste management within the area of the municipality's jurisdiction;
 - (b) provide, in conjunction with any other applicable law, an effective legal and administrative framework, within which the Municipality can manage and regulate waste management activities;

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- (c) ensure that waste is avoided, or where it cannot be altogether avoided, minimised, re-used, recycled, recovered, and disposed of in an environmental sound manner; and
- (d) promote and ensure an effective delivery of waste services.

3. Scope of application

- (1) These by-laws must be read with any applicable provisions of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).
- (2) In the event of any conflict with any other by-law which directly or indirectly, within the jurisdiction of the municipality, regulates waste management, the provisions of this by-law shall prevail to the extent of the inconsistency.
- (3) The by-laws do not override any other national and provincial waste related legislation.

4. Principles

- (1) Any person exercising a power in accordance with these by-laws must; at all times; seek to promote the waste management hierarchy approach as outlined in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and the National Waste Management Strategy, which is promoting waste avoidance and minimisation, waste reuse, recycling and recovery, waste treatment and disposal.
- (2) The by-laws seek to promote sustainable development and environmental justice through fair and reasonable measures for the management of waste within the municipality's jurisdiction.

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- (3) The by-laws promote participation of all municipal residents in the promotion of responsible citizenship by ensuring sound waste management practices within residential and industrial environments.

5. General duty of care

- (1) Every person has a duty to manage any waste generated by his or her activities or the activities of those persons working under his or her direction in such a manner that the waste does not cause harm to human health or damage to the environment. In particular, the person must ensure that:
- (a) waste generation is avoided and where such waste cannot be avoided, minimise the toxicity and amounts of waste;
 - (b) waste is reduced, reused, recycled or recovered;
 - (c) where waste must be disposed of, the waste is treated and disposed in an environmentally sound manner;
 - (d) the waste is managed in such a manner that it does not endanger health or the environment or cause a nuisance through noise, odour or visual impacts.
- (2) Any person subject to the duty imposed in subsection (1) may be required by the Municipality or an authorised official to take measures to ensure compliance with the duty.
- (3) The measures referred to in subsection (2), that a person may be required to undertake include –
- (a) investigation, assessment and evaluation of the impact that their activities, the process or a situation have on the environment;

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- (b) informing and educating employees about the environmental risks of their work and the manner in which their tasks must be performed in order to avoid causing damage to the environment;
- (c) ceasing, modifying or controlling any act, process, situation or activity which causes damage to the environment;
- (d) containing or preventing the movement of pollutants or other causes of damage to the environment;
- (e) eliminating or mitigating any source of damage to the environment; or
- (f) rehabilitating the effects of the damage to the environment.

CHAPTER 2: SERVICE PROVIDERS

6. Service providers/Contractors

- (1) The Municipality may discharge any of its obligations by entering into a service delivery agreement with a service provider or service providers in terms of the Municipal Systems Act, 2000.
- (2) Subject to the provisions of the Municipal Systems Act or any other legislation, the Municipality may assign to a service provider any power enjoyed by the Municipality under these by-laws: provided that the assignment is required for the service provider to discharge an obligation under its service delivery agreement, but the accountability shall remain with the Municipality.
- (3) Any reference in these by-laws to "Municipality or service provider" should be read as the "Municipality" if the Municipality has not entered into a service delivery agreement,

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and should be read as “service provider” if the Municipality has entered into a service delivery agreement.

- (4) Service providers must provide services in accordance with a customer charter which must be drawn up in consultation with the Municipality and which must-
- (a) accord with the provisions of these by-laws;
 - (b) be accessible to the public;
 - (c) establish the conditions of the service including collection times; and
 - (d) provide for the circumstances in which Municipal services may be limited.

CHAPTER 3: PROVISION OF WASTE SERVICES

7. Storage and receptacles for general waste

- (1) Any person or owner of premises where general waste is generated must ensure that such waste is stored in a receptacle provided or approved by the Municipality.
- (2) Any person or owner of premises contemplated in subsection (1) must ensure that-
- (a) the receptacle is stored inside the yard where applicable, away from the public area when still waiting for collection;
 - (b) on agreed collection date, it should be placed outside the premises in an area accessible to the municipal officials or service providers;
 - (c) pollution and harm to the environment is prevented;
 - (d) waste cannot be blown away and that the receptacle is covered or closed;
 - (e) measures are in place to prevent tampering by animals;
 - (f) nuisance such as odour, visual impacts and breeding of vectors do not arise;
 - (g) suitable measures are in place to prevent accidental spillage or leakage;
 - (h) the receptacle is intact and not corroded or in any other way rendered unfit for the safe storage or transportation of the waste;

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- (i) that a receptacle(s) provided by the Municipality is not used for any other purpose other than storage of waste;
- (j) in cases where a receptacle (s) is damaged or corroded, the owner or occupier must notify the Municipality and arrange for replacement as soon as it comes to their attention;
- (k) waste is only collected by the Municipality or authorised service provider; and
- (l) in cases where an owner or occupier is not available on the day of collection, make necessary arrangements to ensure that waste is accessible for removal or collection.

8. Collection and transportation

(1) The Municipality may -

- (a) only collect waste stored in approved receptacles;
- (b) set collection schedules for both commercial and residential properties for reasons of health, safety or environmental protection.
- (c) collect waste outside the set schedule on request by any person and at a fixed tariff agreed to by both parties prior to collection.
- (d) set the maximum amount of quantities of waste that will be collected;
- (e) identify waste streams which may not be collected by the Municipality or which are unsuitable for collection; and where such a case exist, advice the owner of alternatives

(2) No person may collect waste for removal from premises unless such person is:

- (a) a municipality or municipal service provider
- (b) Authorised by law to collect that waste, where authorisation is required or,
- (c) Not prohibited from collecting that waste.

(3) Any person transporting waste within the jurisdiction of the Municipality must –

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- (a) ensure that the receptacle or vehicle or conveyance is adequate in size and for the type of waste transported;
- (b) remove or transport the waste in a manner that would prevent any nuisance or escape of material;
- (c) maintain the receptacle or vehicle or conveyance in a clean, sanitary condition at all times;
- (d) not permit waste transported to become detached, leak or fall from the receptacle or vehicle or conveyance transporting it;
- (e) ensure that waste is transported or deposited at a waste transfer station, recycling facility and/or disposal facility licensed to accept such waste;
- (f) ensure that the vehicle is not used for other purposes whilst transporting waste;
- (g) apply to the Municipality to register as a transporter of waste in accordance with the requirements set out by the Municipality and adhere to all the conditions attached to the registration.

9. Waste transfer stations

- (1) Any holder of waste must –
 - (a) utilise appropriate waste transfer stations as directed by the Municipality or service provider; and
 - (b) adhere to the operational procedures of a transfer station as set out by the Municipality.

10. Waste disposal

- (1) Waste generated in the municipal area must be disposed of at a waste disposal facility as directed by the Municipality. All waste on landfill sites and waste transfer stations controlled by Council shall be the property of Council and no person who is not duly authorised by Council shall remove or interfere therewith.

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- (2) In disposing of waste the operator of the site must comply with the provisions of any other legislation regulating the disposal of waste.
- (3) Any person disposing waste at a Municipal owned disposal site must adhere to the site operational procedures approved by the Municipality.
- (4) All private waste disposal sites within the jurisdiction of the Municipality, must comply to an local norms and standards and any other relevant legislation.

CHAPTER 4: RECYCLING OF WASTE

11. Storage, separation and collection of recyclable domestic waste

- (1) Any person who is undertaking any activity involving reduction, re-use, recycling or recovery of waste including scrap dealers, by-back centres and formalised recycling groups must before undertaking that activity, make sure that the activity is less harmful to the environment than the disposal of such waste and must notify the Municipality of an intention to undertake such an activity in writing.
- (2) Any person undertaking the activities contemplated in subsection (1) must adhere to the requirements set out in national or provincial legislation.
- (3) The Municipality may require any person or owner of premises to separate their waste and use different receptacles provided by the Municipality or service provider.
- (4) In cases where the Municipality, service provider or industry has provided separate receptacles for recyclable material, no person may use other receptacles for recyclable material.

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CHAPTER 5: WASTE INFORMATION

12. Registration and provision of waste information

- (1) Any person who conducts an activity, which has been identified in terms of provincial and/or national waste information system must, upon request, present to the Municipality proof that such an activity is registered and reporting the required information.
- (2) The Municipality may, at its own discretion and as reasonably possible, require any facility, person of activity to register and report to the Municipality any other information for the purpose of facilitating effective waste management within its jurisdiction.

CHAPTER 6: PROVISION FOR REGISTRATION OF TRANSPORTERS

13. Requirements for registration

- (1) Any person who transports waste for gain must adhere to the following requirements:
 - (a) Register with the Waste Management Office in the Msukaligwa Municipality.
 - (b) Furnish information that may be required by the Waste Management officer.
 - (c) Any person engaged in the transportation of waste must take all reasonable steps to prevent any spillage of waste or littering from a vehicle used to transport waste.
 - (d) Where waste is transported for the purposes of disposal, a person transporting the waste must before offloading the waste from the vehicle, ensure that the facility or place to which the waste is transported is authorised to accept such waste and must obtain written continuation that the waste has been accepted.
 - (e) In the absence of evidence to the contrary which raises a reasonable doubt a person who is in control of the vehicle, or in position to control the use of a

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vehicle, that is used to transport waste for the purpose of offloading that waste, is considered to knowingly cause that waste to be offloaded at the location where the waste is deposited.

- (2) The Municipality may, by notice in the provincial gazette, require any person or category of transporters to register and report to the Municipality information as set out in that notice. The notice may include but not limited to-
- (a) the application forms;
 - (b) a prescribed fee;
 - (c) renewal intervals;
 - (d) list of transporters, types and thresholds of waste transported;
 - (e) minimum standards or requirements to be complied with.

CHAPTER 7: LISTED WASTE MANAGEMENT ACTIVITIES

14. Commencement, conducting or undertaking of listed waste management activities

- (1) Any person conducting a listed waste management activity listed in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), must upon request by an official of the Municipality, provide proof of compliance with the requirements of a licence issued by the competent authority.
- (2) Any person conducting or intending to conduct any activity contemplated in subsection 7 (1) must, at least sixty (60) days before commencement, conducting or undertaking such activity, inform the Municipal waste management officer in writing of the intention.

CHAPTER 8: GENERAL PROVISIONS

15. Duty to provide facilities for litter

- (1) The Municipality, or owner of premises in the case of privately owned land, must take reasonable steps to ensure that sufficient and appropriate 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 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 thereof;
 - (e) placed in locations convenient for the use by users or occupants of the premises to discourage littering or the unhealthy accumulation of waste; and
 - (f) emptied and cleansed periodically or when full. The emptying and cleansing of receptacles must be done frequently to ensure that no receptacle or its contents may become a nuisance or provide reasonable grounds for complaint.
- (3) In any public place where a receptacle has been placed for the depositing of litter, the Municipality may put up notices about littering.

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16. 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 8 (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.

17. Prohibition of nuisance

- (1) Any person handling waste within the Municipality, either through storage, collection, transportation, recycling or disposal must–
- (a) take reasonable measures to prevent nuisance, injury, harm, damage, annoyance or inconvenience to any person and the environment;
 - (b) take measures to remedy any spillages, harm, damage or nuisance referred to in section (a) above;
 - (c) at their own cost, clean any waste causing nuisance to any person or the environment;
 - (d) ensure compliance to the notice contemplated in sub section (1) (c); the Municipality may clean or remedy waste causing nuisance to any person or the environment, at the Municipality's cost and claim such cost from the offender.

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18. Burning of waste

- (1) No person may-
- (a) dispose of waste by burning it, either in a public or private place;
 - (b) incinerate waste either in a public or private place except in an incinerator licensed by the relevant national or provincial authorities to do so, or at a place designated by the Municipality for such purpose.

19. Unauthorised disposal/dumping

- (1) No person may except with the permission of the occupier, owner or of the person or authority having control thereof, dump, accumulate, place, deposit, leave or cause or allow to be dumped, accumulated, placed, deposited or left any waste whatsoever, whether for gain or otherwise, on or in a public place; any drain, watercourse, flood prone areas, tidal or other water in or in the vicinity of any road, highway, street, lane, public footway or pavement, roadside or other open space to which the public have access; or private or municipal land.
- (2) The local authority may at the expense of an owner of land, person in control of land or a person who occupies the land rehabilitate any damage caused to the environment as a result of the activity or failure of the person referred to in subsection (1) to take reasonable measures to prevent unauthorised disposal or dumping.

20. Abandoned articles

- (1) Any article, other than a motor vehicle deemed to have been abandoned in terms of the Road Traffic Act, 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 deem fit.

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- (2) The Municipality may remove and dispose of any article which is chained or fastened to any pole, parking meter or any other property belonging to the council, without authorisation as it may deem fit.

21. Liability to pay applicable tariffs

- (1) The owner of premises where the Municipality is rendering waste services contemplated in this by-law is liable for the payment of prescribed tariffs for such services, and is not exempted from or reduction of such tariffs due to non usage, partial or limited use of such services.
- (2) The Municipality reserves the right to review such tariffs contemplated in subsection (1) on an annual basis.
- (3) The Municipality may exempt any person or category of persons deemed to be falling in the indigent category from paying prescribed tariffs for waste management services as outlined in the Municipal Indigent Policy.

22. On-site disposal

- (1) The Municipality may, as it deem fit in an area where a municipal waste management service is not already provided, after consultation with the concerned community, declare an area(s) as demarcated for on-site disposal of general waste.
- (2) A declaration contemplated in subsection (1) must be published in a provincial gazette and may include but not limited to—
 - (a) time frames for such a declaration;
 - (b) minimum standards to be adhered to for on-site disposal; and
 - (c) quantity of waste that may be disposed.

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- (3) The Municipality has a right to inspect the areas contemplated in subsection (1) on a regular basis.

23. Storage, collection, composting and disposal of garden waste

- (1) The owner or occupier of the premises on which garden waste is generated, may compost garden waste on the property, provided that such composting does not cause a nuisance or health risk.
- (2) The owner or occupier of the premises on which garden waste is generated and not composted, must ensure that such waste is collected and disposed within a reasonable time after the generation thereof.
- (3) The Municipality may, as far it is reasonably possible, direct any transporter of garden waste or any person providing garden maintenance services, to transport their garden waste to a designated transfer station or facility provided by the Municipality.
- (4) At the written request of the owner or occupier of premises the Municipality or service provider may, in its sole discretion, deliver an appropriate receptacle for the purpose of storing garden waste in addition to any approved receptacle delivered to the premises for the storage of domestic waste; at a prescribed additional tariff.

24. Collection and disposal bulky waste

- (1) Any person generating bulky waste must ensure that such waste is collected and recycled or disposed of at a designated facility and may not put such waste as part of the municipal routine collection.

- (2) At a request of the owner or occupier of any premises, the Municipality may remove bulky waste from premises at a prescribed tariff, provided that the Municipality is able to do so with its refuse removal equipment.
- (3) In case a Municipality has been called to remove illegally dumped waste on vacant land, the Municipality may remove that waste subject to subsection (2) and charge the owner of that vacant land.

25. Generation, storage, collection, reuse and disposal of building waste

- (1) The owner or occupier of premises on which building waste is generated and person conducting an activity which causes such waste to be generated, must ensure that—
 - (a) until disposal, all building waste, together with the containers used for the storage, collection or disposal thereof, 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.
- (2) Any person may operate a building waste removal service subject to adherence to relevant legislation.
- (3) Should the Municipality provide such a service, it shall be done at a prescribed tariff.
- (4) The owner or occupier of premises may apply to the Municipality for written consent to place an appropriate receptacle for the storage and collection of building waste in the road reserve for the period of such consent.

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- (5) Every receptacle, authorised in terms of subsection (4) and used for the removal of building waste, must –
- (a) have a clearly marked name, address and telephone number of the person in control of such approved receptacle;
 - (b) be fitted with reflecting chevrons or reflectors which must completely outline the front and the back thereof; and
 - (c) be covered at all times other than when actually receiving or being emptied of such waste so that no displacement of its contents can occur.
- (6) The owner or occupier of premises on which building waste is generated must ensure that the waste is disposed of at a facility designated for that purpose by the Municipality.
- (7) For the purpose of reclamation of land, reuse or recycling, building waste may with written consent of the Municipality, be deposited at a place other than the Municipality's waste disposal sites.
- (8) A consent given in terms of subsection (7) shall be subject to the conditions, as the Municipality may deem necessary.

26. Special industrial, hazardous or health care risk waste

- (1) Any waste generator who generates special industrial, hazardous or health care risk waste or an owner of premises where such waste is generated must contract with an accredited service provider to collect and dispose of such waste at a licensed hazardous waste disposal facility.
- (2) Subsection (1) does not apply to generators of waste who have the capacity to conduct the service.

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- (3) Any person transporting industrial, hazardous or health care risk waste must ensure that the facility or place to which such waste is transported is authorised to accept such waste prior to offloading the waste from the vehicle.

CHAPTER 9: ADMINISTRATIVE MATTERS COMPLIANCE AND ENFORCEMENT

27. Exemptions

- (1) Any person may by means of a written application, in which the reasons are given in full, apply to the Municipality for exemption from any provision of this by-law.
- (2) The Municipality may –
 - (a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted be stipulated therein;
 - (b) alter or cancel any exemption or condition in an exemption; or
 - (c) refuse to grant an exemption.
- (3) In order to consider an application in terms of subsection (1), the municipality may obtain the input or comments of the owners or occupants of surrounding premises.
- (4) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the municipality under subsection (2), however, if an activity is commenced before such undertaking has been submitted to the Municipality, the exemption lapses.
- (5) If any condition of an exemption is not complied with, the exemption lapses immediately.

28. Appeals

- (1) A person whose rights are affected by a decision taken by the Municipality in terms of these by-laws, may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) to the municipal manager or delegated official within 21 days of the date of the notification of the decision.

29. Offences

- (1) Any person who –
- (a) obstructs or hinders the Municipality in exercising the powers or performance of functions or duties as outlined in this by-laws;
 - (b) contravenes or fails to comply with any provision of these by-laws; or
 - (c) fails to comply with the terms of a notice served upon him or her in terms of these by-laws, shall be guilty of an offence.

30. Penalties

- (1) Any person who contravenes or fails to comply with a provision of these by-laws is guilty of an offence and liable on conviction to imprisonment for a period not exceeding fifteen years or to a fine or to both such fine and imprisonment.

31. Short title and commencement

- (1) These by-laws are called Waste Management By-laws of Msukaligwa Local Municipality, and take effect on the date determined by the Municipality in the provincial gazette.
- (2) Different dates may be so determined for different provisions of these by-laws.

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32. Repeal of by-laws

- (1) Any by-law relating to waste management or refuse removal or disposal within the Municipality or any of its predecessors or areas formerly existing under separate Municipalities or other organs of State is repealed from the date of promulgation of these by-laws.

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PROVINCIAL NOTICE 63 OF 2021

**MPUMALANGA DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND
TRADITIONAL AFFAIRS****PUBLICATION OF MUNICIPAL BY- LAWS FOR LOCAL MUNICIPALITIES IN TERMS OF THE
LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT (ACT NO. 32 OF 2000)**

I, Busisiwe Paulina Shiba, in my capacity as Member of the Executive Council responsible for Co-operative Governance and Traditional Affairs, in the Mpumalanga Province, hereby publish municipal by-laws Chief Albert Luthuli local municipality, in terms of Section 13 (a) and (b) of the Local Government: Municipal Systems Act (Act No. 32 of 2000)

The municipal by-laws are concerning the following matter, namely:

Chief Albert Luthuli Local Municipality

1. Outdoors and Advertisement

Given under my hand at Mbombela, on 30 APRIL 2021



MRS B P SHIBA (MPL)

**MEC: DEPARTMENT OF CO-OPERATIVE GOVERNANCE
AND TRADITIONAL AFFAIRS**

Chief Albert Luthuli Municipality



OUTDOOR ADVERTISING CONTROL – BY LAW

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SECTION A: INTRODUCTORY PROVISIONS

1. INTRODUCTION

The use of various types of outdoor advertising devices providing a wide variety of information have become a major marketing tool, and the various measures of such outdoor advertising have proliferated alarmingly in both urban and rural areas. Commerce and industry are placing ever-increasing pressure on authorities to relax controls, where these exist, on outdoor advertising and particularly to permit more advertising alongside roads, and more specific along higher order roads. On the one hand, commerce and industry which claim that restrictions are harmful to business, while on the other hand, many other sectors of society claim that the uncontrolled increase in outdoor advertising has an aesthetically degrading influence on the environment, as well as adversely affecting road traffic safety by distracting drivers. It is obvious that a balanced approach to the situation is needed in our area of jurisdiction.

It is therefore necessary that local authorities have effective policies and by laws relating to the control of advertising. In order to effectively apply these guidelines, individual local authorities have to prepare their own BY LAW and bylaws, as they need and require for their unique situation.

The following will therefore serve as the BY LAW on Outdoor Advertising Control for the

Chief Albert Luthuli Municipality. This also forms the basis for the Chief Albert Luthuli Municipality by laws for Outdoor Advertising Control.

2. PURPOSE OF THE BY LAW

It is the BY LAW of the Chief Albert Luthuli Municipality to apply effective control to all aspects of outdoor advertising within its area of jurisdiction.

The purpose of this BY LAW is twofold:

Firstly, to provide for the assessment of all applications which are made to the Municipality for permission to proceed with various forms of outdoor advertising;

Secondly, to provide for the management and regulation (in conjunction with the Chief Albert Luthuli Municipality bylaws for Outdoor Advertising Control) of all those forms of outdoor advertising which fall under the jurisdiction of the Municipality.

A fundamental approach to outdoor advertising is proposed; Principal areas of concern are then identified. BY LAW proposals are consequently made for each of these areas of concern.

3. EXTENT OF OUTDOOR ADVERTISING

Advertising is defined as the act or process of notifying, warning, informing or generally making known. In other words, the term refers to information transfer in a visible manner. Outdoor advertising is traditionally associated with large billboards and posters advertising products and

services. Outdoor advertising includes all advertising signs erected and displayed out of doors for the purpose of providing information. This BY LAW concerns itself with outdoor advertisements visible from all public roads and streets, and other public places.

4 . SCOPE OF THE BY LAW

This BY LAW shall be applicable to all the areas under the jurisdiction of the Chief Albert Luthuli Municipality. Any state owned or private owned entity or person, who wants to erect any advertising sign or form of outdoor advertising that falls under this BY LAW, should adhere to the requirements set out in the BY LAW.

5. OBJECTIVES OF THE BY LAW

The main objective with the control of outdoor advertising is that it is in the best interest of the CHIEF ALBERT LUTHULI MUNICIPALITY and the community, promotes conservation and secures sustainable development.

6 . ADMINISTRATION OF APPLICATIONS

This BY LAW, as well as the bylaws for the control of outdoor advertising are to be effectively and consistently administered, scheduled inspections of signage are to be held and offenders are to be fined or prosecuted.

In view of the BY LAW which is to be applied to applications for outdoor advertising, all applications shall be submitted to the Executive Director: Infrastructure Services for approval or refusal. Further delegation to approve or refuse applications will be awarded by the Director: Community and Safety Services to the relevant officials.

Where there is insufficient internal staff capacity, the CHIEF ALBERT LUTHULI MUNICIPALITY may appoint, within the framework of the law, private contractors or consultants to assist with the removal of illegal advertisements or advertising signs, or with any other work as required.

The following advertising signs and advertisements are subject to the tender procurement process of the **CHIEF ALBERT LUTHULI MUNICIPALITY**, with specific requirements, and awarded on a contract basis, but will not be limited to:

- (1) Advertisements on litterbins (pavement and pole mounted litterbins),
- (2) Suburb name signs (township name signs),
- (3) Street name advertising signs (illuminated street name signs),
- (4) Commercial street light pole advertisements (commercial posters),
- (5) Advertisements on public transport shelters (advertisements on bus shelters),
- (6) Stack signs (signs in industrial areas), and
- (7) Advertising on Taxi Ranks.

7. LEGAL FRAMEWORK

The following legislation is relevant for the application of this BY LAW:

The Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

South African National Roads Agency Limited and National Roads Act, 1998
(Act No. 7 of 1998);

Road Traffic Act, 1989 (Act No. 29 of 1989);

Municipal Finance Management Act, 2003 (Act No. 56 of 2003);

National Environmental Management Act, 1998 (Act No. 7 of 1998);

National Building Regulations and Building Standards (Act No. 103 of 1977); and

Intergovernmental Relations Framework Act (Act No. 13 of 2005).

8. CONTENT OF BY LAW

Section A contains the purpose of this BY LAW, the extent, vision and mission of outdoor advertising as well as the scope and objectives of this BY LAW. The legal framework is also addressed in this Section.

Section B sets out the definitions, general conditions and areas of control applicable to all advertisements, advertising signs and advertising structures.

Under Section C the criteria applicable to the different types of advertising signs and advertisements are stipulated.

SECTION B: DEFINITIONS, GENERAL CONDITIONS AND AREAS OF CONTROL APPLICABLE TO ALL ADVERTISEMENTS, ADVERTISING

SIGNS AND ADVERTISING STRUCTURES

. DEFINITIONS AND TERMS

Some of these definitions and terms used may not occur in this document, but are included for the sake of completeness.

ADVERTISEMENT means any visible representation of a word, logo, name, letter, figure, object, mark, symbol, abbreviation, light or any combination thereof with the object of transferring information which is visible from any street or public place, but does not include a road traffic sign.

ADVERTISEMENT AREA means the total area used for the display of advertisements and is not restricted to a specific advertising sign.

ADVERTISEMENTS ON GROUND LEVEL means an advertisement placed at ground level which is aimed at aircraft traffic and not at the public travelling on roads and designed in such a manner as not to interfere with the natural environment and living creatures on that land.

ADVERTISEMENT FOR SALE OF GOODS OR

LIVESTOCK means an advertisement announcing such a sale on land or premises not normally used for commercial purposes and may include an advertisement announcing auctions of household goods on residential properties, or livestock or game on farms. This class will also include the display of an advertisement announcing the proposed sale of property or land by means of a public auction to be advertised within the road reserve.

ADVERTISER means the person or organization, whose product or service is being advertised, or whose name or image is mentioned or promoted in an advertisement.

ADVERTISING means the act or process of notifying, warning, informing, making known or any other act of transferring information on a visible manner.

ADVERTISING IMPACT ASSESSMENT (AIA) means a report requested by the CHIEF ALBERT LUTHULI MUNICIPALITY from the applicant wherein the impact of the advertising sign or advertisement is discussed. Such an assessment shall function as a limited Environmental Impact Assessment and should address aspects such as, but will not be limited to, the environmental impact, visual impact, illumination of the advertising sign or advertisement and road safety impact of an advertising sign or advertisement, the scope of which shall be determined by the Municipality in each particular case.

ADVERTISING SIGN OR SIGN means any advertising structure built or erected to display an advertisement, together with an advertisement displayed on the structure.

ADVERTISING STRUCTURE means any screen, fence, wall or other physical structure or object erected to display an advertisement or which is in itself an advertisement or used to display an advertisement.

AERIAL SIGN means any advertisement attached to or displayed on a balloon or similar device or which is in itself an advertising sign which is suspended in the air and over any part of the area.

AFFIX means to firmly secure, which may include painting where permitted, or any means of affixing.

ANIMATION means a process whereby an advertisement's visibility or message is enhanced by means of moving units or pictures, flashing lights or similar devices.

APPROVED means to obtain approval through a formal application process by the

CHIEF ALBERT LUTHULI MUNICIPALITY. "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.

AREA OF CONTROL refers to the degree of advertising control to be applied in a specific area, i.e. maximum, partial or minimum control as determined by the CHIEF ALBERT LUTHULI MUNICIPALITY from time to time.

AREA OF JURISDICTION means the area under the control of the Ekurhuleni

Metropolitan Municipality according to the legally determined and declared boundaries of the Municipality.

BALCONY, VERANDA, CANOPY AND UNDERAWNING

SIGN means a sign not extending above, below or beyond any extremity or a parapet wall, balustrade, riling, beam or fascia, and:

- (1) Affixed flat onto or painted on a parapet wall, balustrade or railing;
- (2) Affixed flat onto or painted on a fascia;
- (3) Affixed flat onto or painted on the fascia of a roof structure without walls;
- (4) Affixed to or painted on a pillar, column or post supporting a roof structure without walls; or
- (5) Painted or printed on the fabric of a blind.

BANNER means a piece of cloth or similar material upon which an advertisement is displayed in such a manner as to be fully legible in windless conditions, attached to one or more ropes, poles or attached to buildings or to specific structures, but excludes banners carried as part of a procession.

BASIC LANDSCAPE SENSITIVITY indicates the visual or aesthetic sensitivity of the landscape with regard to outdoor advertisements and advertising signs in terms of three basic landscape types, which are, in order of sensitivity, natural, rural and urban landscapes.

BILLBOARD means any static screen, board or three dimensional device larger than 4,5m² and not exceeding 81 m² supported by a structure, which is to be used or intended to be used for the purpose of posting, displaying or exhibiting a non locality bound advertisement and can be classified as a small, large or super billboard. This can be attached to a structure manufactured specifically for advertising, or to a structure of any other form, used to attach the advertisement to, which can include product replicas and bridges.

BIT OF INFORMATION refers to the basic unit for measuring the length of advertising messages and may consist of letters, digits, symbols, logos, abbreviations or graphics of any nature.

BUILDING CONTROL OFFICER means any person who has been appointed by Council in terms of the National Building Regulations and Building Standards, 1977, and his delegated officials.

CANDELA is the standard SI unit of luminance intensity relating to the illuminating power of a light source in a given direction.

CENTRE OF ECONOMIC ACTIVITY means a business or group of businesses outside of urban areas and which may include farm stalls, roadside service areas, accommodation facilities, food services, industries and cottage industries as well as shops and other commercial facilities.

CENTRE POINT OF INTERSECTION means the point of contact between the centre lines of two roadways.

CLEAR HEIGHT means the minimum vertical distance from the natural ground, road or surface level, as the case may be, to the bottom of the advertisement and I or to the advertising sign, whichever is the smallest.

COMBINATION SIGN means an advertising sign comprising a number of smaller, individual advertisements, usually displaying different products or services, placed next to each other on a single freestanding advertising structure specially designed to accommodate more than one advertisement presented on an on premises business advertising sign.

COMMERCIAL ADVERTISING means any words, letters, object, mark, logos, figures, symbols, pictures relating to the name of a business, a trade, a partnership or an individual or any information, recommendation or exhortation in respect of any particular goods manufactured or sold or any particular services rendered or offered.

CONSTRUCTION SITE BOUNDARY SIGN OR CONSTRUCTION SITE BUILDING

WRAP means an advertising sign of vinyl mesh or similar material attached to the boundary wall or fence or to a structure, to cover an unsightly construction site, an unoccupied building under construction, renovation or maintenance, or a multi-storey parking garage.

COUNCIL means the Chief Albert Luthuli Municipality and includes the Mayoral Committee or any officer employed by Council, acting by virtue of any power vested in the Council in connection with this BY LAW and delegated to him/her.

COUNCIL LAND means any portion of land including road, road reserve, road island, road median, street, thoroughfare, bridge, subway, footpath, sidewalk, land, square, open space, garden, park or enclosed place, erf, site, etc. vested in and/or owned by Council.

CULTURAL EVENT means an event promoting the fine arts or other human intellectual achievement and its purpose shall not primarily be of a commercial nature.

CUTOUTS means letters, packages, figures or mechanical devices attached to the face of an outdoor advertising sign, which might extend beyond the rectangular area for greater attention value, cart provide a three dimensional effect and are also commonly known as addons or embellishments.

DEGREE OF LANDSCAPE SENSITIVITY means a refinement of basic landscape sensitivity, which may include, apart from a refined visual sensitivity, traffic safety conditions as a criteria for sensitivity rating. Degree of landscape sensitivity is expressed in terms of area of control, i.e. areas of minimum, partial and maximum control, which are superimposed onto the three.

DENSITY OF RESIDENTIAL AREA refers to both population density (number of people per hectare) and intensity of land use or visual density (number of units per hectare and the nature of the units, e.g. high rise, lowrise or detached, as well as to the presence of non-residential functions).

DEVELOPMENT SIGN means an advertising sign displaying and advertisement which describes the type of development being carried out on a construction site, including a pictorial representation, and containing the contact details of the developer or his agent.

DISPLAY PERIOD means the exposure time during which the individual advertising message is on display.

EDGE OF THE ROADWAY means the boundary between the roadway and the shoulder, which is indicated by an appropriate road traffic sign, or by the absence of such sign, a) in the case of a road with bitumen or concrete surface, edge of subsurface or b) in the case of any other road, the edge of the improved part of the road, intended for vehicle use.

EDUCATIONAL FACILITY means a primary or secondary school.

EIA means an environmental impact assessment in terms of the National Environmental Management Act.

ELECTION: means either National Government, Provincial Government or Municipal elections and by elections inclusive of the registration process and referendum held from time to time.

ELECTRONIC BILLBOARD: means an advertising sign not exceeding 18m² in advertisement area, which has an electronically controlled, illuminated display surface, which allows all or a portion of the advertisement to be changed, animated or illuminated in different ways.

ENGINEER: means an engineer registered in terms of the Engineering Profession Act, 2000 (Act 46 of 2000) or as amended from time to time. ERF means an Erf, stand, lot, plot, agricultural holding or similar land entity registered in a deeds registry.

ESTATE AGENT SIGN : means an advertising sign that is displayed to advertise the fact that land, premises, development or other forms of fixed property are for sale, to let, sold or on show.

EVENT: means an organized occasion for the general public.

EXECUTIVE DIRECTOR / ED: means an official appointed in this specific position, by the Municipality or anybody acting in his stead, or a nominee.

EXISTING SIGN: means an advertising sign, which has been previously approved by the Director, whether erected or not.

FACADE: means the principle front or fronts of a building.

FLAG : means a material upon which an advertisement is displayed and which is attached to a single freestanding flag staff, pole or flagstaff projecting vertically from premises or projecting vertically, horizontally or at an angle from a building or boundary wall or boundary fence of a specific business property.

FLASHING SIGN : means an advertising 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 advertising sign affixed to any external wall of a building used for commercial, office, industrial or entertainment purposes, but excluding a parapet wall, balustrade or railing of a veranda or balcony, which at no point projects more than 300mm from the surface of such a wall and which may consist of a panel or sheet or of individual numbers, letters or symbols.

FLY POSTER means any poster, which is pasted by means of an adhesive directly onto a surface.

FORECOURT means an outdoor area forming a functional part of a building housing a business, and may include the area of a filling station where the pumps are situated, or a terrace in front of a restaurant, enclosing fences, walls, screens or similar structures, excluding sidewalk areas in front of business premises intended for pedestrian circulation.

FREESTANDING SIGN means any immobile advertising sign, which is not attached to a building or to any structure or object not intended to be used for the primary purpose of advertising.

GANTRY means a ground mounted structure that spans over the entire width of a roadway (portal gantry) or a structure that spans over part of a roadway (cantilever gantry).

HEIGHT OF AN ADVERTISING SIGN means the maximum vertical distance from the natural ground, road surface, surface level, or where the foundation of the sign starts or is visible above natural ground level, as the case may be, to the top of the advertisement and the advertising sign, whichever is the highest. The natural ground level may not be altered for the purpose of erecting the sign.

HOMEUNDERTAKING means the practice of an activity at a dwelling place with the aim of deriving an income there from.

ILLEGAL SIGN means any advertising sign, advertisement, or poster, painted, pasted, affixed, displayed, exhibited, posted or erected without approval by the Director.

ILLUMINATED in relation to an advertisement, means the installation of electrical equipment or other power for the purpose of illuminating the advertisement at night, either continuously or intermittently.

ILLUMINATED ADVERTISING SIGN means an advertising sign which has been installed with electrical or other power for the purpose of external or internal illumination, either continuously or intermittently of the advertisement displayed on such an advertising sign.

INFLATABLE SIGN means any advertising sign erected and maintained by means of air or gas used for the purpose of posting or displaying any advertisement.

INTERSECTION means the area embraced within the prolongation of the lateral boundary lines of two or more roadways open to vehicular traffic that join one another at any angle, whether or not such roadways cross each other, and includes a signalized entrance and exit.

LANDSCAPE ADVERTISEMENTS means advertisements comprising of horticultural designs and can include but are not limited to flowers, grass, stones and ground cover.

LANDSCAPE SENSITIVITY refers to the visual or aesthetic sensitivity of the landscape with regard to outdoor advertising and signs, is expressed in terms of basic landscape sensitivity and degree of landscape sensitivity and may also take traffic safety conditions into account.

LARGE BILLBOARD means any static billboard larger than 18m² up to and including 40m² in area of advertisement.

LIGHT NOT INTENDED FOR ILLUMINATION means a flashing, flickering or continuous light source, beam of light or a number of such sources or beams, aimed or moved in such a manner as to attract attention, without being primarily for the purpose of illuminating an area or object.

LOCALITY BOUND ADVERTISEMENT means an advertisement displayed on a specific site, premises or building appropriate to business• being conducted on or in the property on which the advertisement is to be displayed. The advertisement shall only refer to the name; logo and nature of the business on the premises and no product advertisement for sales of any kind are permitted on this advertisement.

LUMINANCE is a measure of how bright an illuminated area appears to the human eye and is measured in candela/m²

“M / m” means metre.

“mm” means millimetre.

MUNICIPALITY means the CHIEF ALBER LUTHULI MUNICIPALITY.

MUNICIPAL OWNED LAND see Council land.

NATIONAL ROAD TRAFFIC ACT means the National Road Traffic Act. 1996 (Act No. 93 of 1996).

NATURAL AREA / LANDSCAPE means an area outside and urban area which is in a natural state or is of high scenic value, and includes, but is not limited to, national parks, game reserves, nature reserves, scenic corridors and landscapes.

NONLOCALITY BOUND ADVERTISEMENT means any advertisement displaying any information over and above the name, logo and nature of the business on the premises, and which may include any advertisement content and can include advertising of products for sale of any kind.

ON PREMISES BUSINESS ADVERTISING SIGN means a freestanding sign on a specific site or premises aimed at identifying and locating businesses and industries, and may only contain the name, logo and nature of the business on the premises. Excludes residential or community advertising signs.

OUTDOOR ADVERTISING means the act or process of notifying, warning, informing, making known or any other act of transferring information in a visible manner and which takes place out of doors.

OVERHANG means the physical part of an advertising sign / structure hanging or projecting over a boundary, shoulder or roadway.

OWNER OF THE ADVERTISING STRUCTURE means the person who owns the advertising structure, or will own the structure once it has been erected, or any person who has a right to or share in the ownership of the advertising structure.

OWNER OF THE ADVERTISING SIGN means the person who owns the advertising sign which is erected, or will own the advertising sign once it has been erected, or any person who has a right to or share in the ownership of the advertising sign.

OWNER OF THE LAND means the person who owns the land on which the advertising sign or structure is, or will be erected, or any person who has a right to or share in the ownership of the land.

PERMANENT SIGN means advertising signs or advertisement erected for a period of more than one year.

PERPENDICULAR means with a 90° angle to the existing building or road at the position of the advertisement or advertising sign.

PERSON means both natural and juristic persons.

BY LAW means the Chief Albert Luthuli Municipality BY LAW on Outdoor Advertising Control.

PORTABLE ADVERTISING SIGN means a moveable freestanding temporary advertising sign displayed on a forecourt of a business premises or sidewalk in front of business premises to draw attention to commercial services, goods for sale or other services available at the premises.

POSTER (OR NOTICE) means an advertisement displayed or affixed to a receptacle against an electrical street light pole standard, or directly affixed to an electrical street light pole standard inside the road reserve.

PRODUCT REPLICAS AND THREEDIMENSIONAL

ADVERTISING SIGNS means a replica or device used for advertising that may be freestanding or attached to a structure and includes an inflatable object that is not an aerial sign.

PROHIBITED SIGN means an advertisement or advertising sign, which are not permitted, or does not conform to advertising bylaws and BY LAW documentation and can thus not be approved.

PROJECT SIGN means an advertising sign displaying an advertisement with information regarding the relevant contractor(s) and / or consultant(s) involved in the construction project and displayed on the construction site.

PROJECTING SIGN means any advertising sign, attached to and protruding from a building which is used for commercial, office, industrial or entertainment purposes and which projects more than 300mm from the surface of the main wall and is affixed at a right angle to the street line.

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

PUBLIC PLACE means any road, street, thoroughfare, bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden, park or enclosed space vested in and/or owned by Council.

PUBLIC TRANSPORT SHELTER means a freestanding covered structure at a bus stop, taxi rank or lay bye, to provide limited shelter for commuters and pedestrians.

PUBLIC TRANSPORT SHELTER ADVERTISEMENT means an advertisement positioned as an integral part of a freestanding covered structure at a bus stop, taxi rank or lay bye.

RECEPTACLE means a fixed poster display holder to be fixed to street light poles.

RESIDENTIAL PURPOSES means the use of a building as a dwelling house, two or more dwelling units, a hostel, a boarding house and a residential club.

ROAD means a public road which includes the shoulder, the land of which the road consist or over which the road extends, and anything on that land forming part of, connected with, or belonging to the road.

ROAD AUTHORITY means the authority having the control and jurisdiction over a specific road, being it national, provincial, metropolitan or local road.

ROAD ISLAND OR TRAFFIC ISLAND means an area demarcated on a roadway by means of painted lines, stones, kerbs or by other means with the intention of preventing vehicles from standing or being operated in that area.

ROAD MEDIAN means the area separating traffic lanes on a roadway.

ROAD RESERVE means the full width of a public road, including roadways, shoulders, sidewalks, the air space above it and all other areas from boundary to boundary.

ROAD RESERVE BOUNDARY means the proclaimed boundary forming the outer edge of the road reserve.

ROADSIDE SERVICE AREA means an area with direct access from a municipal or provincial road in which facilities and services such as petrol and diesel sales, restaurants, fast food outlets, toilets, playgrounds and picnic spots may be provided for motorists.

ROAD TRAFFIC SIGN means any road traffic sign as defined in the Road Traffic Act, 1989 (Act No. 29 of 1989).

ROADWAY means the portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic which is between the edges of the travelled way and includes the surfaced shoulder.

ROOF SIGN means an advertising sign on the main roof of a building lower than fifteen floors and which building is used or partly used for commercial, office, industrial or entertainment purposes.

RURAL AREA / LANDSCAPE refers to areas of transition between developed urban areas and relatively unspoiled areas and includes, but are not limited to agriculture land, farm land, rural small holdings, unproclaimed township areas and areas outside the urban edge.

SECURITY ADVERTISING SIGNS means an advertising sign with an advertisement for neighbourhood watch, farm watch, security schemes and other similar schemes, and an advertisement containing the name, address and telephone number of a security company contracted to protect the premises on which the advertisements is displayed.

SERVICE FACILITY SIGN means an advertising sign or advertisement at a filling station or roadside rest and service area referring to the types of services provided at such facility

SHOULDER is the outer portion of the roadway which, whether surfaced or not, does not normally constitute part of the travelled way.

SIDEWALK means that portion of a verge intended for the exclusive use of pedestrians.

SIGNS INCORPORATED INTO THE FABRIC OF A BUILDING means a sign incorporated in and forming an integral part of the fabric of a building, in balance with the scale of the building.

SITE means the end, plot, or any other piece of land on which the advertising sign, advertising structure or advertisement is, or is to be erected or mounted.

SMALL BILLBOARD means a static billboard larger than 4,5m² up to and including 18m² in area of advertisement.

STACK SIGN means a freestanding advertising sign in the road reserve displaying a combination of advertisements of several businesses on separate panels.

STATIC BILLBOARD means a billboard displaying a fixed advertisement face, where the face is not changeable within seconds or minutes, but where a change of face have to be re-erected and affixed to the structure.

STOREY means the space within a building, which is situated between one floor level and the next floor level above, or if there are no clearly defined storeys, the height of a storey shall be taken as 4,5m, except for the ground storey situated at the level of the adjoining natural ground which shall be taken as 6m.

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

STREET FURNITURE means public facilities and structures which are not intended primarily for advertising and includes seating benches, planters, pavement litter bins, and pole mounted litter bins, public transport shelters, sidewalk clocks and drinking fountains, but excludes road signs, traffic lights, streetlights or any other road related structures.

STREET FURNITURE ADVERTISEMENT means advertisement on public facilities and structures which are not intended primarily for advertising and includes seating benches, planters, pavement litter bins, pole mounted litter bins, public transport shelters, sidewalk clocks and drinking fountains, but excludes road traffic signs, traffic lights, streetlights or any other road related structures.

STREET NAME SIGN means a pole mounted street name sign which may be illuminated, i.e. a GL1 road traffic sign in the South African Road Traffic Signs Manual (SADC RTSM).

SUBURB NAME SIGN means a pole mounted road traffic sign (GL2 road traffic sign) at the entrance to a town or suburb that may carry an advertisement panel, with certain specification, underneath the road traffic sign bearing the name of the town or suburb.

SUPER BILLBOARD means a static billboard larger than 40m² up to and including 81 m² in area of advertisement.

TARIFF means the appropriate monetary charge, tariff or fee determined by Council.

TEMPORARY ADVERTISEMENT OR ADVERTISING SIGN means an advertisement or advertising sign displayed for a maximum period of one year or less as determined by the CHIEF ALBERT LUTHULI MUNICIPALITY.

TOWNSHIP means an area divided into erven or plots, whether with or without public open spaces, and into streets bounded by the erven, plot or open spaces, and established or recognized as a township under any law.

TRAILER ADVERTISING means an advertisement mounted on a trailer, bicycle or vehicle, which is mobile at all times with the sole purpose of advertising.

URBAN AREA I LANDSCAPE means proclaimed township area, but exclude land in that area which is commonage land, or which is used or destined to be used mainly for farming or horticulture or the keeping of animals, or which consist of any other open space which has not been developed or reserved for public purposes.

URBAN AREA OF MAXIMUM CONTROL means an area which are deemed sensitive to visual disturbance and include, but are not limited to conservation areas and natural features inside the urban edge, passive recreation areas such as parks and non-commercial squares, scenic features and areas, historical and architectural sites, all residential areas, plots and urban smallholdings (which are proclaimed), home undertakings within residential areas, specifically proclaimed heritage areas and buildings, and cemeteries.

URBAN AREA OF MINIMUM CONTROL include, but are not limited to commercial areas, office blocks, shopping centres, industrial areas, transport nodes (such as taxi and bus ranks, railway stations, airports etc) and mine dumps and surrounding mining land.

URBAN AREA OF PARTIAL CONTROL means areas that can be characterized by a greater degree of integration and complexity of land use, includes but are not limited to commercial enclaves, shopping centres and office block in residential areas, commercial ribbon development, school and educational facilities (e.g. Universities, Technicons, and college), sport stadium and fields.

VEHICULAR ADVERTISING means advertising on self-driven vehicles which are usually moving on land or water, including taxi's, buses, trains and delivery vehicles, but exclude aircraft.

WINDOW SIGNS means an advertisement, which are permanently painted on or attached to the window glass of a building.

12. GENERAL REQUIREMENTS

(1) No advertisement or advertising structure shall;

(a) in the opinion of the CHIEF ALBERT LUTHULI MUNICIPALITY constitute a danger to any person or property;

(b) be erected without approval where such approval is required by this

BY LAW or by any Act, Regulations or any other law;

(c) be detrimental to the environment or to the amenity of a human living environment by reason of size, shape, colour, texture, intensity of illumination, quality of design or materials or for any other reason; or

(d) be permitted that emits a noise, sound, smoke, smell, odours or similar sensory stimuli.

(2) The CHIEF ALBERT LUTHULI MUNICIPALITY may increase the minimum spacing between advertising signs or advertisements, or place further restrictions on the position, size and content of any advertising sign or advertisement if considered necessary, in the interests of road safety or environmental impact.

(3) No advertisement may display CHIEF ALBERT LUTHULI MUNICIPALITY's corporate identity and/or Coat of Arms or any aspect of these registered logo's without prior consultation and written approval by the CHIEF ALBERT LUTHULI MUNICIPALITY.

(4) All policies addressing advertising signage within the CHIEF ALBERT LUTHULI MUNICIPALITY need to be adhered to.

(5) Signage which was not categorized and for which provision was not made for that specific type of sign in this BY LAW, will be addressed on an adhoc basis and considered by the Executive Director: Infrastructure Services. This excludes any sign which does not comply with the requirements of a specific type of sign which is prescribed in this BY LAW, as well as any prohibited signs.

13. DESIGN, CONSTRUCTION AND POSITION ON THE SITE

(1) Any advertising sign

(a) shall, to the satisfaction of CHIEF ALBERT LUTHULI MUNICIPALITY, be neatly and properly constructed and executed and finished in a workmanlike manner in accordance to the

National Building Regulations and Building Standards Act 103 of 1977, or as amended from time to time;

(b) shall, in the opinion of the CHIEF ALBERT LUTHULI MUNICIPALITY not be detrimental to or have a negative aesthetic impact on the urban design, streetscapes or the character of the surrounding area by way of the design of the structure or device;

(c) must be displayed in places or in such a manner that it could, in the opinion of the CHIEF ALBERT LUTHULI MUNICIPALITY, not be detrimental to the amenity of the neighbourhood or disfigure the surroundings;

(d) shall, to the satisfaction of CHIEF ALBERT LUTHULI MUNICIPALITY, have a neat appearance and shall consist of durable materials in accordance with the function, nature and permanence of the advertisement, sign or structure and materials such as cloth, canvas, cardboard, paper or synthetic cardboard should be used only when essential to the nature and function of a particular advertising sign;

(e) shall, to the satisfaction of CHIEF ALBERT LUTHULI MUNICIPALITY, not deface building facades with electrical services provisions and other accessories;

(f) shall, to the satisfaction of CHIEF ALBERT LUTHULI MUNICIPALITY, be rigidly and securely attached, supported or anchored in a safe manner and so that unwanted movement in any direction is prevented;

(g) which spans or overhangs a roadway, shall be provided with a catwalk so that advertisements face changes are effected from the catwalk and not from, the road surface;

(h) shall be capable of effectively securing, supporting and maintaining not less than twice its mass with the addition of any force to which the advertising sign may be subjected, including wind pressure,

(i) shall wherever necessary in accordance with the nature of the advertising sign and when attached to brickwork, masonry or concrete, be securely and effectively attached thereto by means of bolts securely embedded in such brickwork, masonry or concrete or passing through the same and secured on the opposite side;

(j) shall, when attached to conservation worthy buildings, be attached with the necessary expert advice in order to prevent damage to such buildings; and

(k) shall be constructed and located at a height that discourage vandalism.

(2) Any advertiser or contractor

(a) shall not use waters oluble adhesive, adhesive tape or similar material to display or secure any advertising sign or advertisement elsewhere than on a structure provided for this purpose;

(b) shall have all exposed metalwork of any advertising structure painted or otherwise treated to prevent corrosion and all timber treated to prevent decay;

(c) shall ensure that in the case of the installation of guardrails, that sufficient length be allowed to accommodate tension forces and isolated sections of guardrail are not acceptable; and

(d) shall have measures taken to prevent the entry of water into and the accumulation of water or moisture on or in any advertising sign or any part of its supporting framework, brackets or other members.

(3) No person shall, in the course of erecting or removing any advertising sign, advertisement structure or device, cause damage to the environment, including any tree or vegetation or, electrical standard or bulk service or other public installation or property.

(4) If an advertising sign contains glass, it shall adhere to the following:

(a) all glass used in advertising signs (other than glass tubing in neon and similar advertising signs) shall be safety glass at least 3 mm thick; and

(b) glass panels used in advertising signs shall not exceed 0,900 m² in area, each panel being securely fixed in the body of the advertising sign, structure or device independently of all other panels.

(5) Before any advertising structure is erected, it must be considered by the CHIEF ALBERT LUTHULI MUNICIPALITY, whether it is suitably positioned and orientated.

(6) No advertisement or advertising sign may;

(a) obstruct any window or opening provided for the ventilation of a building or obstruct any stairway or doorway or other means of exit from a building or prevent the movement of persons from one part of a roof to another part; or obstruct any fire escape or the means of egress to a fire escape;

(b) be painted on a boundary wall, bridges, any water tower, reservoir or silo;

(c) be higher than the height restriction in terms of the relevant Town Planning Scheme of that specific site or the direct surrounding sites, as amended from time to time unless a relaxation has been obtained in terms of such Town Planning Scheme;

(d) encroach on the building restriction area unless a relaxation has been obtained in terms of the relevant Town Planning Scheme as amended from time to time;

(e) be erected within or over any building line or servitude, unless specific approval has been granted by the relevant authority;

(f) Exceed the minimum clearance with regard to overhead power lines as prescribed in regulations 15 of the Electrical Machinery Regulations (No R1593 in GG1 1458 of 12 August 1988). (Permission must be obtained from the relevant supply authority before any advertising structure may be erected in or close to a power line servitude);

(g) Unreasonably obscure, partially or wholly, any advertising sign or advertisement owned by another person previously legally erected and legally displayed; and

(h) in any way be altered, moved or re-erected, nor shall any alteration be made to the electrical wiring system of such sign except for the purpose of renovating or maintenance, without the further approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.

(7) No advertising sign may exceed the prescribed height in terms of the BY LAW or the permitted height on that specific site or on the surrounding I adjacent sites, as allowed for in the relevant Town Planning Scheme or approved zoning for the site, whichever is the lesser, unless specifically approved by the Municipality.

(8) All freestanding advertising signs located adjacent to a road reserve boundary of any road except a metropolitan road, shall maintain a minimum distance from the road reserve boundary equal to the height of the advertising sign, measured from the nearest pole to the road reserve boundary.

(9) All advertising signs or advertisements located directly adjacent to a national or provincial road reserve, will be considered in terms of the criteria of that specific order of road, including but not limited to illumination, spacing, height, etc.

(10) If required by the CHIEF ALBERT LUTHULI MUNICIPALITY, the structural design of an advertising structure shall be certified by a professional structural engineer with relevant experience. The engineer shall satisfy the CHIEF ALBERT LUTHULI MUNICIPALITY that the structure will be adequate to secure, fix or support any advertisement, or screen to resist all loads and forces to which the advertising sign, structure, advertisement or screen may be exposed and the sufficiency of the margin of safety against failure, in compliance with the provisions of regulation BI of the National Building Regulations

published under Government Gazette No. 9613, dated 1 March 1985, and as amended from time to time.

14. MAINTENANCE

(1) Any advertising sign as permitted shall, on a regular basis, be maintained in good repair in a safe condition and according to the highest standards as regards quality of structures, posting and signwriting.

(2) The owner of any land or building on which an advertising sign, structure or advertisement is displayed or erected, or attached, and the owner of any such advertising sign, structure or advertisement shall be jointly and severally responsible for the maintenance thereof in a safe and proper condition, maintaining the surrounding area in a neat and tidy state and the cleaning and repainting of any such advertising sign, structure or advertisement. The owners will be liable for the consequences of not doing so, and must undertake at least one annual inspection thereof in order to comply with the CHIEF ALBERT LUTHULI MUNICIPALITY's requirements.

(3) If, in the opinion of the CHIEF ALBERT LUTHULI MUNICIPALITY, any advertising sign or any part thereof 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 CHIEF ALBERT LUTHULI MUNICIPALITY may serve a notice on an owner of the advertising sign, structure or advertisement and/or the owner of the land on which such is situated, requiring him at his own cost, to remove it or do other work specified in the notice within a period so specified. No compensation shall be payable by the Council to any person in consequence of such removal.

(4) The CHIEF ALBERT LUTHULI MUNICIPALITY may, instead of serving notice, itself carry out the removal of an advertisement, advertising sign or advertising structure or do other work which it may deem necessary. The CHIEF ALBERT LUTHULI MUNICIPALITY may recover the cost thereof from the owner of the advertising structure, owner of the land or the owner of the advertisement.

Where CHIEF ALBERT LUTHULI MUNICIPALITY is the land owner, the cost shall not be recovered from the land owner.

(5) All advertising signs or any part thereof shall be secured in a manner so as to not constitute a danger to the public. The land owner on which property such is located and the owner of the advertising structure, assume all responsibility and liability, indemnifying the CHIEF ALBERT LUTHULI MUNICIPALITY against any claim which may arise. When CHIEF ALBERT LUTHULI MUNICIPALITY is the land owner, the responsibility and liability is with the owner of the advertising structure and the CHIEF ALBERT LUTHULI MUNICIPALITY is to be indemnified by the owner of the advertising structure.

(6) Any sign displayed for advertising or giving information regarding the name of the occupier of premises or nature of the business conducted on such premises, shall be removed forthwith upon the owner of the structure ceasing to occupy the premises.

(7) No sign shall be erected or maintained in such a manner as to impede on landscaping, causing trees and other plants to be removed or trimmed to ensure that the advertising sign, structure or advertisement remain visible, without the consent of the CHIEF ALBERT LUTHULI MUNICIPALITY. The cost thereof will be for the account of the applicant.

15. ELECTRICAL AND ILLUMINATION

(1) Every illuminated advertising sign and every advertising sign in which electricity is used

(a) shall have power cables and conduit containing electrical conductors positioned and fixed so that they are not unsightly in the opinion of the

CHIEF ALBERT LUTHULI MUNICIPALITY;

(b) shall be constructed of material which is not combustible;

(c) shall be provided with an external switch in an accessible position and if needed as directed by the Emergency Services, and at a height of at least three metres from the ground whereby the electricity supply to the advertising sign may be switched off;

(d) shall be wired and constructed in accordance with and subject to the provisions of the CHIEF ALBERT LUTHULI MUNICIPALITY's electricity supply bylaws;

(e) no advertising sign shall be connected to any electricity supply without the prior written permission of the relevant electricity supply authority. It shall be in accordance with the provisions of the "Standard Regulations for the Wiring of Premises" or any other standard rules for the electrical wiring of premises or structures. Such proof of permission shall be submitted if requested; and

(f) which is likely to interfere with radio reception shall be fitted with efficient suppressers.

(2) The following maximum luminance levels per square metre for all classes of advertisements that is permitted (as permitted by the International Commission on Illumination): Illuminated area
Maximum luminance

Less than 0,5 m² 1 000 candela/m²

0,5 m² < 2 m² 800 candela/m²

2 m² < 10 m² 600 candela/m²

10 m² or more 400 candela/m²

(3) The light source emanating from floodlights shall not be visible to traffic travelling in either direction.

(4) Floodlighting shall be positioned to ensure effective distribution and minimise light wastage or "spill".

(5) Illumination is permitted on an advertisement or advertising sign only if it does not lead to unsafe driving conditions, or does not have a detrimental effect on the surrounding area and where it is specifically not prohibited.

(6) An advertisement or advertising sign may not be illuminated unless the road is lit by overhead lighting over the full distance within which the advertisement is visible from that road and the source of the illumination is concealed from oncoming traffic.

(7) If an advertisement or advertising sign is visible from more than one road, the advertisement or advertising sign may not be illuminated unless both these roads are illuminated.

(8) An electronic advertisement or advertising sign may not inhibit the view of or cause discomfort to a driver or pedestrian or be in the direct line of sight of a traffic light.

(9) An electronic advertisement may not have subliminal flashes.

(10) Light not intended for illumination may only be utilised if it is allowed for in the environmental plans of the CHIEF ALBERT LUTHULI MUNICIPALITY.

(11) No light beam may be moved or directed in such a manner as to distract the attention of drivers of Vehicles from the task of driving.

(12) No light source or beam of light not meant for illumination may be positioned or aimed so as to shine directly onto, or at, a public road.

(13) No advertisement or advertising sign shall, if illuminated, be erected in such a way that it may have a detrimental effect on the amenity of a residential building on a residential zoned erf or, in the opinion of the CHIEF ALBERT LUTHULI MUNICIPALITY, could be detrimental to the character or amenity of the neighbourhood.

(14) Before any advertising structure is erected, it must be considered by the CHIEF ALBERT LUTHULI MUNICIPALITY, whether the illumination of the advertisement or advertising sign is likely to distract drivers' attention from road traffic signs which are not illuminated.

(15) An electronic advertisement or advertising sign may not inhibit the view of or cause discomfort to a driver or pedestrian or be in the direct line of sight of a traffic light.

(16) An electronic advertisement must be static for at least 5 seconds per advertisement or any part of the advertisement.

(17) In areas of maximum control no internally illuminated sign inside a building shall be visible from outside the building.

16. CONTENT, AMENITY AND DECENCY

(1) Advertisements positioned along roads and specifically targeting the road user shall be concise and legible and shall comply with the following requirements:

(a) Bit values shall be calculated as follows per element of an advertisement:

Words of up to eight letters, inclusive 1,0 bit

Words of more than eight letters 2,0 bits

Words such as "a, the, than, and, an" 0,25 bits

Numbers of up to four digits, inclusive 0,5 bits

Numbers of five to ten digits 1,5 bits

Symbol, logo or graphic 0,5 bit

Background graphics (depending on the destructiveness of the graphics 1, 0 to 3, 0 bits

(b) The following signs shall adhere to the number of bits and size of the text as indicated below:

Billboards, gantries, product replicas and three dimensional advertising signs, sky signs, flat signs, advertising on bridges, landscape— advertisements, advertisements on water towers, reservoirs and silos, construction site advertising signs:

Speed of the road (km/h) Bits allowable Minimum size and height of letters

0 60

15 150mm

61 80

12 250mm

> 80 10 350mm

(c) For all other type of advertisements, the text size shall be a minimum of

50mm high, and shall be considered by the CHIEF ALBERT LUTHULI MUNICIPALITY for readability before it can be approved.

(2) An advertising sign shall have a neat appearance in terms of advertisement content and sign writing, and shall not contain untidy handwritten messages.

This shall be done to the satisfaction of the CHIEF ALBERT LUTHULI MUNICIPALITY.

(3) No message may be spread across more than one advertisement, advertising sign or advertising sign panel.

(4) Numbers longer than ten digits are not permitted.

(5) No advertisement shall, in terms of its content, be in conflict with the guidelines or standards laid down from time to time by the Advertising Standards Authority of South Africa (ASASA), or any similar body recognised as representing the industry, be objectionable, indecent or suggestive of indecency or prejudicial to the public morals.

(6) Advertisement not provided for by ASASA, shall in the opinion of CHIEF ALBERT LUTHULI MUNICIPALITY, not contain any element which distracts the attention of drivers in a manner likely to lead to unsafe driving conditions.

(7) Before any advertising sign is erected, the advertisements must be considered by the CHIEF ALBERT LUTHULI MUNICIPALITY, whether:

(a) the size of the advertisement, or any portion thereof by way of its colour, letter size, symbol, logo, graphics or illumination, will result in the advertisement having a distracting effect on the attention of drivers of vehicles to the task of driving and lead to unsafe driving conditions;

(b) the colour, or combination of colours, contained in the advertisement correspond with the colours or combinations of colours specified for road traffic signs in the regulations promulgated under the National Road Traffic Act;

(c) the portrayal of a road traffic sign in the content of an advertisement will constitute a road safety hazard and could be mistaken to represent a road traffic sign;

(d) the amount of information contained in the advertisement, measured in bits, is within prescribed limits.

17. POSITIONING AND SIZE CONCERNING ROAD SAFETY AND TRAFFIC CONSIDERATIONS

(1) No advertisement, advertising structure or sign shall;

(a) in the opinion of the roads authority be so placed which distracts the attention of drivers or pedestrians in a manner likely to lead to unsafe driving conditions;

(b) be so placed which cause any obstruction to a motorist's view of the roadway or its approaches, regardless of the direction the motorist is travelling;

(c) be attached to, combined (unless specifically provided for in the South African Road Traffic Signs Manual (SADC RTSM)), obscure, create confusion with or interfere with the functioning of a road traffic sign or signal or create a road safety hazard in the opinion of the roads authority;

(d) be erected that is equal to or smaller than 4,5m² unless specifically classified in this BY LAW;

(e) in the opinion of the roads authority obscure a pedestrian's or driver's view of pedestrians, road or rail vehicles and features of the road, railway or pavement such as junctions, bends and changes in width;

(f) be erected closer than a minimum of 0, 5m from the edge of the advertising sign to the vertically projected edge of the shoulder of the road; and 0, 3m from a cycle path, footpath or sidewalk;

(g) project over a sidewalk or pedestrian circulation route, unless the clear height of such an advertising sign exceeds 2,4m and for a cycle circulation route a clear height of 3, 0m;

(h) overhang onto a roadway or shoulder (if not on a bridge or a gantry);

(i) project over an adjacent Erf boundary, except where specific consent has been granted by the relevant land owner, or over any road reserve boundary (excluding projecting signs, flat signs and permanent flags);

(j) be located directly in front of, or behind a road traffic signal or in the opinion of the roads authority, constitute a road safety hazard.

(2) Before any advertising sign is erected, it must be considered by the CHIEF ALBERT LUTHULI MUNICIPALITY, whether:

(a) the size of the advertising sign, together with other advertising signs in the area, if any, will enhance clutter or affect the conspicuousness of road traffic signs by virtue of potential visual clutter;

- (b) the number of road traffic signs and advertisements in any area constitute a driving hazard, due to the attention of drivers of vehicles being deviated from the task of driving and leading to unsafe driving conditions;
- (c) the speed limit, and the measure of the traffic's adherence thereto, the traffic volume, the average following headway and accident history of the road demand more stringent control of outdoor advertising;
- (d) the position of the advertisement or advertising sign will negatively affect the visibility of, sight distance to or efficiency of any road traffic sign, or series of such signs;
- (e) the position of an advertisement or advertising sign would disrupt the flow of information from road traffic signs to drivers who encounter a series of road traffic signs intended for traffic regulation, warning or guidance;
- (f) the position of any advertisement or advertising sign would potentially distract drivers' attention at places where traffic turns, negotiates curves, merges or diverges, or in the area of intersections or interchanges, or where drivers' uninterrupted attention to the driving task is important for road safety;
- (g) the distance between advertising signs where the advertisement and the content of the road sign are visible from the same direction of travel before, between or behind any road traffic sign is of such a nature as to distract a driver's attention from any road traffic sign.

18. AREAS OF CONTROL

Three areas of control apply areas of maximum control, areas of partial control, and areas of minimum control. These areas of control. Address the potential interaction between basic landscape sensitivity and advertising sign impact. In addition, traffic safety is taken into consideration when it comes to the determination of an area of control.

The evaluation of the advertising sign type versus the area of control (i.e. the degree of impact versus the degree of sensitivity) facilitates the establishment of actual advertising opportunities and constraints. It is generally recognised, even by the advertising signage industry, that outdoor advertising can have a detrimental effect upon the urban environment in certain locations. It is, therefore, essential that areas of control and the nature of control to be exercised are defined in specific terms.

In keeping with the SAMOAC approach, and in terms of the vision for the municipality, it is proposed that there is no such thing as an area without any form of control: minimum standards for all forms of outdoor advertising must be adhered to in order to give effect to the vision.

Taking cognisance of those urban characteristics, which are specific to the CHIEF ALBERT LUTHULI MUNICIPALITY area, the three control categories described above, namely "maximum", "partial" and "minimum" are proposed. The practical application of these control categories to the evaluation of outdoor advertising applications is listed below. The land use categories described in the tables are purely generic and do not refer to a specific Town Planning

Scheme. When an assessment is evaluated, the Town Planning Scheme applicable to the erf in question will be consulted for specific zoning details. Notwithstanding the designation of the areas of control, the CHIEF ALBERT LUTHULI MUNICIPALITY may approve the erection of an advertising sign or advertisement on Council owned land if there is no major impact on surrounding areas. In instances where the area of control is unclear, the legal activities on the property as well as the surrounding areas, will be used as a basis of determining the areas of control, in the instances such as undetermined and special.

The following types of land uses can be classified under the areas of control, as listed below:

(1) MAXIMUM CONTROL

(a) Natural Landscape:

National Parks

Game reserves

Nature reserves

Scenic corridors

Scenic landscapes

(b) Rural Landscape:

Agricultural land / Farm land

Rural smallholdings

Unproclaimed township p area

Areas outside the urban edge as determined by the relevant Town Planning documents

(c) Urban Area of Maximum Control:

Conservation areas and natural features inside the urban edge

Passive recreation areas such as parks and non-commercial squares

Scenic features and areas

Historical and architectural sites

All residential areas

Plots and urban smallholdings (which are proclaimed)

Home undertakings within residential areas

Specifically proclaimed heritage areas and buildings

Cemeteries**(2) PARTIAL CONTROL**

Urban Area of Partial Control:

Commercial enclaves, shopping centres and office blocks in residential areas,

Commercial ribbon development,

Educational facilities, TVET and other Colleges

Sports fields or stadiums

(3) MINIMUM CONTROL

Urban Area of Minimum Control:

Commercial areas

Office blocks

Shopping centres

Industrial areas

Infrastructure Services

Transport nodes (such as taxi and bus ranks, railway stations, airports etc)

Mine dumps and surrounding mining land

(4) If required, for whatever reason, the surrounding area, adjacent properties, or the current legal use may provide guidance when determining the area of control.

SECTION C: CRITERIA FOR DIFFERENT TYPES OF ADVERTISING**SIGNS AND ADVERTISEMENTS****19. POSITION AND SPACING**

(1) The following criteria as included in Table 1 will apply, unless otherwise specified, for position and spacing requirements between any form or combination of any two of the following advertising signs or advertisements, namely:

Billboards, gantries, product replicas and three dimensional advertising signs, flat signs, advertising on bridges, landscape advertisements and all other relevant advertising signs as required by CHIEF ALBERT LUTHULI MUNICIPALITY.

Table 1: Position & Spacing Requirements**Speed**

Distances required between advertising signs visible from each other, measured from the nearest pole of the advertising signs

Distances required between advertising signs where the advertisement and content of the road sign are visible for the same direction of travel measured from the nearest pole of the advertising sign to the road sign, parallel along the road where the sign is located

Distance required from advertising signs to intersection measured from the nearest pole of the advertising sign to the centre of the cross road, parallel along the road where the sign is located

0 < 60 250m 50m 100m

61 80

250m 50m 100m

> 80 250m 200m 200m

Spacing Requirements: Small Electronic Billboards

0 < 60 1, 5km apart 50m 200m 61 80

1, 5km apart 50m 200m

> 80 2km apart 200m 200m

All distance will be measured from the closet edge of the advertising sign to the relevant point.

(2) A single sided advertising sign shall be displayed perpendicular to or at an angle of 30° to the direction of oncoming traffic as indicated in Figure 1. In the case of an advertising sign comprising of more than one side the advertisement shall be displayed with the axis of symmetry perpendicular to the direction of the oncoming traffic as indicated in Figure 1.

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Figure 1: Positioning of advertising signs in relation to traffic flow

20. BILLBOARDS

(1) The following criteria as included in Table 2 will apply for billboards and any other advertising signs, as prescribed:

Table 2: Location, Size and Height

Super Billboards Large Billboards

Small Billboard sand Electronic signs

Area of control Minimum Minimum I Partial Minimum / Partial

Size of advertisement > 40 81m

² > 18 40m

² > 4,5 18m²

Speed (where permitted Any speed Only on roads with speed limits < 80 kph

Only on roads with speed limits < 80 kph

Maximum Height of advertising sign 12,5m 10,5m 5,5m

Billboards may be permitted inside metropolitan road reserve or other Municipal owned land, with specific attention to:

- ° Road Safety (Section 18),
- ° Combination and clutter of advertising,
- ° Environment impact.

(2) The clear height of the advertising structure shall not be less than 2,4m.

(3) Criteria as included in Table 1 and Figure 1 above, applies.

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(4) Illumination is only permitted if the road along where the billboard is located, is illuminated, and only if it does not constitute a road safety hazard or cause undue disturbance. No animation is permitted, except for small electronic billboards.

(5) General requirements, as stated in Section 13 to .18 apply.

(6) An environmental impact assessment (EIA) shall be required for any super or large billboard.

(7) An advertising impact assessment (AIA) may be required for a small electronic billboard.

(8) No billboard may be erected within a band of 100m from the edge of any area of maximum control, measured from the nearest pole of the advertising sign.

(9) If positioned in the road reserve, the horizontal clearance of the footing or the upright of the advertising structure shall be a minimum of 5m from the shoulder breakpoint of the road. In the event of a kerbed road, 4,5m will be permitted. If protected by guard rails, the horizontal clearance of the footing or the upright may be reduced to 2,5m.

(10) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.

21. GANTRY ADVERTISING SIGNS

- (1) This class will only be permitted in urban areas of minimum control. No gantry may be erected within a band of 100m from the edge of any area of maximum control, measured from the nearest pole of the advertising sign. Should the uprights of a gantry be positioned adjacent to areas of minimum and partial control respectively, the area of control will be classified as minimum control.
- (2) The size and height of advertising signs allowed in this class, are as follows:
 - (a) Size of advertisement: 36m² to 81m².
 - (b) Maximum height from the road surface to the top of the advertising sign: 12,5m.
 - (c) Clear height of the advertising sign from the highest point of the road surface: 5,7m.
- (3) Criteria as included in Table 1 above apply, and in addition gantries shall be spaced at least 1km apart on roads with a speed limit of < 80kph if visible from each other.
- (4) This class consists of two types of gantries, namely:
 - (a) A portal gantry is a structure which is mounted on both sides of a road surface within the road reserve.
 - (b) Dependant on the width of the roadway, a maximum of two equal sized advertisement panels with a maximum size of 81m² each may be considered next to each other on the same gantry structure. Only two advertisements may be displayed which must be positioned directly above and visible for traffic passing underneath the structure in the specific direction of travel. The back display area of these advertisement panels, shall not flight an advertisement and must be cladded at all times for aesthetical purposes.
 - (c) The two advertisement panels may also be positioned back to back to form one unit, positioned in the middle of the gantry structure. If the back display area does not flight an advertisement, it must be cladded at all times for aesthetical purposes.
 - (d) A cantilever gantry is a structure mounted with an overhang onto a shoulder or a roadway, erected within the road reserve on the median of a divided dual carriageway. Dependant on the width of the roadway, a maximum of two equal sized advertisement panels with a maximum size of 81m² each may be considered, and must be displayed back to back. If the back display area does not flight an advertisement, it must be cladded at all times for aesthetical purposes.
- (5) The horizontal clearance of the footing or the upright of the advertising structure shall be a minimum of 5m from the shoulder breakpoint of the road. In the event of a kerbed road, 4,5m will be permitted. If protected by guard rails, the horizontal clearance of the footing or the upright may be reduced to 2,5m.
- (6) Illumination of the sign is only permitted if the road along where a gantry is located is illuminated and only if it does not constitute a road safety hazard or cause undue disturbance. No animation is permitted.
- (7) General requirements as in Section 13 to 18 apply.

- (8) An advertising impact assessment (AIA) may be required for any gantry.
- (9) A gantry will be permitted inside a metropolitan road reserve, subject to acceptable compliance with the following criteria:
 - (a) Road Safety (Section 18)
 - (b) Combination and clutter of advertising
 - (c) Environment impact.
- (10) The structure is to display an advertisement/s on display panels of the advertising structures at all times for aesthetical purposes.
- (11) This class of advertising sign as well as the design of the advertising structure is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.

22. PRODUCT REPLICAS AND THREEDIMENSIONAL

ADVERTISING SIGNS

- (1) This class will be permitted in areas of partial and minimum control.
- (2) The size and height of advertising signs allowed in this class are as follows:
 - (a) Size: Partial Control: Vertical Maximum: 1,5m
Diameter Maximum: 1m
Minimum Control: Vertical Maximum: 2m
Diameter Maximum: 1 3m
 - (b) Height from ground level to the top of the advertising sign:
Partial Control: 3m
Minimum Control: 4m
- (3) Criteria as included in Table 1 and Figure 1 above apply for advertising signs with non-locality bound advertisements.
- (4) The position and spacing requirements for this class of signs are as follows:
 - (a) The relevant Consent use or Town Planning Scheme is applicable.
 - (b) One sign per street frontage (maximum two per site).
 - (c) If at shopping centres, the number of signs can be considered by CHIEF ALBERT LUTHULI MUNICIPALITY.
- (5) These advertising signs may only be illuminated if the road is illuminated, animation may be permitted. –

(6) This class consists of product replicas and other three dimensional devices used for the purpose of advertising and may be freestanding or attached to a building. This advertising sign type shall be associated only with shopping centres, or other commercial areas, or industrial areas.

(7) General requirements as stated in Section 13 to 18 apply.

(8) This class shall not include signage for small businesses on urban residential sites or on buildings that house residential home undertakings and community institutions.

(9) Product replicas shall not dominate prominent architectural features of any building.

(10) No product replica or three dimensional advertising sign may be erected within a band of 100m from the edge of any area of maximum control, measured from the nearest pole of the advertising sign.

(11) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.

23. SKY SIGNS

(1) This class will be permitted in areas of partial and minimum control.

(2) The size and height of advertising signs allowed in this class are as follows:

(a) Size: 75m² — 300m² per building

(b) Height: to be considered by the CHIEF ALBERT LUTHULI MUNICIPALITY.

(c) Larger signs which may become landmarks may be considered by the CHIEF ALBERT LUTHULI MUNICIPALITY.

(3) The position and spacing requirements for this class of advertising signs are as follows:

(a) Shall be spaced at least 5km apart or at specific positions to be considered by the CHIEF ALBERT LUTHULI MUNICIPALITY.

(b) Shall not obstruct the view from other buildings

(4) These advertising signs may be illuminated but not animated.

(5) This class consists of very large advertising signs between 75m² and 300 m² on top of sky scrapers in metropolitan areas. It may also include any advertising sign consisting of a single line of freestanding, individual, cutout, silhouetted letters, symbols or emblems.

(6) General requirements as stated in Section 13 to 18 apply.

(7) An environmental impact assessment (EIA) shall be required for any sky sign.

(8) No sky sign may be erected within a band of 100m from the edge of any area of maximum control, measured from the nearest pole of the advertising sign.

(9) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.

24. ROOF SIGNS

(1) This class will be permitted in urban areas of partial and minimum control.

(2) The size and height of advertising signs allowed in this class, are as follows:

(a) Size of advertisement area:

Maximum control: Maximum area: 12m²

Partial! Minimum control: Maximum area: 18m²

(b) Height: may not be higher than the height restriction in terms of the relevant Town Planning Scheme

(3) The position and spacing requirements for this class of advertising signs are as follows:

(a) Only locality bound advertisements.

(b) Maximum one advertising sign per building.

(c) Not project in front of a main wall of host building.

(d) Bottom of sign not more than 120mm above roof.

(4) These advertising signs may be illuminated, but not animated.

(5) This class consists of advertising signs which are fixed to the roofs of buildings lower than 15 floors and used or partly used for commercial, office, industrial or entertainment purposes, it may also include any advertising sign consisting of a single line of freestanding, individual, cutout, silhouetted letters, symbols or emblems.

(6) General requirements as stated in Section 13 to 18 apply.

(7) An environmental impact assessment (EIA) shall be required for any roof sign.

(8) No roof sign may be erected within a band of 100m from the edge of any area of maximum control, measured from the nearest edge of the advertising sign.

(9) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.

25. FLAT SIGNS

(1) This class will be permitted in all areas of control. In areas of maximum control, only locality bound signs will be permitted.

(2) The size of advertising signs allowed in this class, are as follows:

Locality bound:

Maximum control: Maximum Area: < 20% per ground floor facade.

Partial & Minimum control: Maximum Area: < 30% per ground floor facade.

Shopping centres: Maximum Area: < 30% of specific facade

Non locality bound:< 72m² or a maximum area of 50% of the wall area, whichever is the lesser.

(3) The position and spacing requirements and some general conditions for this class of advertising signs are as follows:

(a) Maximum control: One per business per street frontage.

(b) Partial & minimum control: Two per business per street frontage.

(c) Not to obstruct or conceal any windows or the view or light from such windows or any opening provided for the ventilation.

(d) Not to extend above top / beyond either end of wall.

(e) May not project more than 75mm if less than 2,4m above sidewalk or ground level or 300mm where an advertising sign is more than 24m above the sidewalk or ground level.

(f) Where locality bound and non locality bound advertisement are located on one building, it may not be combined, constructed or affixed in any manner on one wall.

(g) Criteria as included in Table 1 —and Figure 1 above, applies for non locality bound advertisements.

(4) These advertising signs may be illuminated but not animated.

(5) This class consists of advertising signs which are affixed to any external or main wall of a building used for commercial, office, industrial or entertainment purposes, excluding a parapet wall, balustrade or railing of a veranda or balcony of such a building. It may consist of a panel/sheet or of individual numbers, letters or symbols.

(6) General requirements as stated in Section 13 to 18 apply.

(7) An advertising impact assessment (AIA) may be required for any flat sign of 36m² or larger.

(8) This advertising sign type shall not be applicable to buildings used for residential purposes or for community services or community institutions, small businesses and practices on residential premises, or small scale residential oriented accommodation.

(9) No nonlocality bound flat sign may be erected within a band of 100m from the edge of any area of maximum control, measured from the nearest edge of the advertising sign.

(10) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY, except locality bound flat signs smaller than 36m².

26. ADVERTISEMENTS ON A WATER TOWER, RESERVOIR AND SILO

(1) This class will only be permitted in predominantly minimum control and not within close proximity of, or have an impact on any other area of control.

(2) The total advertisement area shall not exceed 50% of the shaped walls.

(3) The position and spacing requirements and general conditions for this class of advertisements are as follows:

(a) Where there is more than one water tower, reservoir or silo on one premises, locality bound advertisements may be flighted on each individual structures.

(b) Only one advertisement per silo, water tower or reservoir structure will be permitted.

(c) Locality bound and nonlocality bound advertisements may not be combined / displayed on either one structure or separate structures on one premises.

(d) Only one nonlocality bound advertisement will be permitted in a radius of 5km.

(e) Not to extend above the top/beyond the walls.

(f) Such signs shall at no point project more than 300mm from the surface of the shaped wall.

(4) These advertising signs may not be illuminated or animated.

(5) This class consists of advertising signs which are affixed to, but not painted on, any shaped wall of a private owned water tower, reservoir and silo. It may consist of a panel, sheet or of individual numbers, letters or symbols.

(6) General requirements as stated in Section 13 to 18 apply.

(7) An advertising impact assessment (AIA) may be required.

(8) The advertising sign must be shaped according to the outline of the structure.

(9) This sign shall consist of a separate structure which is properly affixed to the shaped wall.

(10) No advertisement may be painted on any water tower, reservoir or silo.

(11) No advertising sign may be erected within a band of 100m from the edge of any area of maximum control, measured from the nearest edge of the advertising sign.

(12) This classes subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.

27. ADVERTISING ON BRIDGES

(1) This class will be permitted in urban areas of partial and minimum control.

(2) The size and height of advertising signs allowed in this class, are as follows:

(a) Size: Maximum area: 36m² per structure

The advertising sign may not extend beyond the top of or above, below or beyond the extremities of the bridge.

(b) Clear Height 5,2m

(3) The position and spacing requirements for this class of advertising signs are as follows:

(a) Criteria as included in Table 1 and Figure 1 above, applies.

(b) Not on bridges across any freeway.

(c) Not over any national or provincial road.

(d) A maximum of 2 advertising signs/bridge shall be permitted.

(e) Not projecting more than 0,3m from main wall of bridge.

(4) Illumination is only permitted if the road along where this advertising sign is located is illuminated and only if it does not constitute a road safety hazard or cause undue disturbance and if the source of illumination is concealed from oncoming traffic. Animation is not permitted.

(5) This class consists of advertising signs affixed to or on bridges not used primarily for advertising purposes.

(6) General requirements as stated in Section 13 to 18 apply.

(7) Any advertising sign permitted by this class shall be affixed to the bridge in a manner which has been designed and erected to the satisfaction of the CHIEF ALBERT LUTHULI MUNICIPALITY

(8) No bridge advertising sign may be erected within a band of 100m from the edge of any area of maximum control, measured from the nearest edge of the advertising sign.

(9) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.

28. LANDSCAPE ADVERTISEMENTS

(1) This class will be permitted in areas of partial and minimum control.

(2) The size of the advertisement allowed in this class will be determined by CHIEF ALBERT LUTHULI MUNICIPALITY.

(3) Criteria as included in Table 1 above apply for this class of advertisement.

Landscaping can be done closer to the intersection, but no part of the advertisement shall be permitted within the distances as specified in Table 1.

(4) This class of advertisements may be permitted in road reserves and on embankments, but not on traffic circles, islands and medians.

(5) If these identified locations are utilized by pedestrians or cyclists, provision must be made for ease of movement, to the satisfaction of CHIEF ALBERT LUTHULI MUNICIPALITY.

(6) These advertisement may be illuminated, but not animated.

(7) This class consists of advertisements comprising of horticultural designs and can include but are not limited to flowers, grass, stones and ground cover.

- (8) General requirements as stated in Section 13 to 18 apply, where relevant.
- (9) Advertisements in this class shall only display the name, logo and slogan of the advertiser.
- (10) The site may not be located directly in front of, or behind a road traffic signal in such a way that the traffic signal head might fade away in the colours of the advertisement being displayed.
- (11) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.

29. ADVERTISING SIGNS AT EDUCATIONAL FACILITIES AND SPORT STADIUMS AND FIELDS

- (1) This class will be permitted in all areas of control.
- (2) The size and height of the sponsored –advertising signs indicating the name are as follows:
 - (a) Size: Maximum of 12m²
 - (b) Height: Maximum of 5,5m.
 - (c) Clear height: 2,4m.
 - (d) Sponsor name or logo: Maximum of 1/3 of total advertisement area.
- (3) A maximum advertisement area per 100m of street front of 36m² shall be permitted for the display or combination of advertising signs on boundary walls and fences, permanent flags and freestanding advertising signs smaller than 4,5m².
- (4) Any other form of advertising sign or advertisement may be displayed, subject to the criteria for that specific type of advertising sign or advertisement, with specific attention to cluttering.
- (5) Only one sponsored advertising signs indicating the name shall be permitted per street frontage.
- (6) Illumination is permitted in areas of minimum and partial control, while only limited external illumination shall be permitted in areas of maximum control, but not animated.
- (7) This class consists of the display of advertising signs on boundary walls and fences, permanent flags, equal sized freestanding advertising signs smaller than 4,5m² and may include a sponsored advertising sign indicating the name, along the street frontage of educational facilities and sport stadiums and fields.
- (8) General requirements as stated in Section 13 to 18 apply.
- (9) Advertising signs displayed along a street frontage shall adhere to the specific requirements of that class of signs.
- (10) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.

30. SERVICE FACILITY SIGNS

- (1) This class will be permitted in all areas of control.
- (2) The size and height of advertising signs allowed in this class, are as follows:

Speed Maximum Height Maximum Width

0 < 60 7m 2m

61 80

10m 3m

> 80 15m 6m

(3) A maximum of eight advertisement panels shall be permitted per service facility sign and only one business or service shall be permitted per advertisement panel.

(4) The position and spacing requirements for this class of advertising signs are as follows:

(a) Only at service facilities adjacent and directly accessible from road where sign is.

(b) One combination sign per site which may be double sided.

(c) Located according to requirements of roads authority.

(d) Not on road median or on island.

(e) If the advertising sign cannot be located on the site and has to be located

in the road reserve, specific approval shall be obtained both from the

CHIEF ALBERT LUTHULI MUNICIPALITY and the relevant roads authority. It should then be located as close as possible to the access and in front of the service facility site.

(5) These advertising signs may be illuminated only if the facility is open 24 hours or during business hours of the specific service. No animation is permitted.

(6) This class consists of combination signs displayed at filling stations and roadside service areas (rest and service areas) which may provide a variety of services such as fuel pumps, workshops, restrooms, car washes, shops, accommodation facilities, restaurants, fast food outlets and autotellers.

(7) General requirements as stated in Section 13 to 18 apply.

(8) Advertisements on such combination signs shall refer only to the name and logo of a business, company or person providing a service or shall indicate the type of service provided. Only advertisements for locality bound services shall be permitted.

(9) Supplementary signs at roadside service areas, which do not form part of a combination sign permitted under this class, shall be used for internal direction and orientation only and shall not be aimed at passing motorists.

(10) No sky cannons may be displayed without specific approval from the Council.

(11) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY, except internal direction and orientation signage.

31. ON PREMISES**BUSINESS SIGNS**

(1) This class will be permitted in the following areas of control:

(a) Individual advertising signs: All areas of control.

Infrastructure Services

41

(b) Combination signs: Partial and minimum control

(2) The size and height of individual advertising signs allowed in this class, are as follows:

(a) Size: Maximum control: Maximum area: 6m²

Partial I Minimum control: Maximum area: 12m²

(b) Height: Maximum 7,5m (may be increased to 10,5m if permitted in Town

Planning Scheme)

(c) Sponsor name or logo: Maximum of 1/3 of total advertisement area.

(3) The size and height of combination signs are as follows:

(a) Size: Maximum 16m²

Maximum size may be increased to 23m² if height restriction is relaxed in terms of the Town Planning Scheme

Minimum dimension per panel: 1m x 1m

Not less than four and not more than ten panels per side will be permitted

(b) Height: Maximum 7,5m

Height may be increased to 10,5m if permitted in Town

Planning Scheme

(c) Width of structure: Not less than 2,1m

Not more than 3m

(d) Clear Height: 2,4m

(4) The position and spacing requirements for these advertising signs are as follows:

(a) Only locality bound advertisements.

- (b) Individual freestanding advertising signs will only be permitted if unable to affixed to the building.
- (c) The relevant Consent use or Town Planning Scheme is applicable.
- (d) One sign per street frontage (max two per site).
- (e) Placed close to business or if not close or visible from road, then at entrance road.
- (5) Preference will be given to combination signs. Combination signs may incorporate several businesses on one sign, using a single panel per business.
- (6) Illumination is permitted in areas of minimum and partial control, while only limited external illumination shall be permitted in areas of maximum control, but may not be animated.
- (7) This class consists of freestanding advertising signs with locality bound advertisements which are aimed at identifying and locating businesses and industries including farm stalls and businesses on farms and smallholding
- (8) General requirements as stated in Section 13 to 18 apply.
- (9) This class shall not include signage for small businesses on urban residential sites or on buildings that house residential home undertakings and community institutions.
- (10) No sign shall obstruct the view from any adjacent building.
- (11) Advertisements in this class shall refer only to the name; logo and nature of the business on the premises and no product advertising or advertising for sales of any kind are permitted on this advertising sign.
- (12) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.

32. PROJECTING SIGNS

- (1) This class will be permitted in all areas of control.
- (2) The size and height of advertising signs allowed in this class, are as follows:
 - (a) Size: Maximum control: If below 6m: maximum 1,2m²
If above 6m: maximum 4m²
 - (b) Size: Partial /Minimum control: If below 6m: maximum 2,4m²
If above 6m: maximum 8m²
- (3) The position and spacing requirements for this class of advertising signs are as follows:
 - (a) Only locality bound advertisements.
 - (b) Only one per business façade.
 - (c) At an angle of 90 to the direction of oncoming traffic

- (d) Horizontal distance between the edge of the advertising sign to the vertically projected edge of the shoulder: > 0.5m.
- (e) May not project more than 300mm from the surface of the main wall.
- (4) These advertising signs may be illuminated but not animated.
- (5) This class consists of advertising signs which are affixed to an external wall of a building used for commercial, office, and industrial or entertainment purposes.
- (6) General requirements as stated in Section 13 to 18 apply.
- (7) This advertising sign type shall not be applicable to buildings used for residential purposes or for community services of community institutions, small businesses and practices on residential premises, or small scale residential oriented accommodation.
- (8) A projecting sign may encroach on a sidewalk. It shall not be fixed at a clear height of less than 2,4m and for a cycle path a clear height of 3,0m nor exceed 300mm in thickness.
- (9) A projecting sign shall not extend beyond the top of any wall.
- (10) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.

33. ADVERTISING SIGNS ON BOUNDARY WALLS AND FENCES

- (1) This class will be permitted in all areas control.
- (2) The size of the advertising signs allowed in this class, are as follows:
 - (a) Locality bound advertisement:

Maximum control: Maximum advertisement area 6m²

Partial I Minimum control: Maximum advertisement area 12m²

The relevant Consent use or Town Planning Scheme is applicable.

- (b) Non locality bound advertisement:

Maximum size per advertisement: 3m²

Maximum advertisement area per 100m street front: 36m²

Advertising signs are to be of equal size.

- (3) The position and spacing requirements for this class of advertising signs are as follows:
 - (a) Only one locality bound advertising sign per street frontage per premises.
 - (b) Non locality bound advertising signs: Minimum spacing of 5m intervals.
 - (c) It shall not extend above, below or beyond any extremity of the boundary wall or fence.

- (4) This class of signs may be illuminated, but not animated.
- (5) This class consists of advertising signs affixed to a boundary wall or fence.
- (6) General requirements as stated in Section 13 to 18 apply.
- (7) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.

34. PAINTED ADVERTISEMENTS

- (1) This class will be permitted in areas of partial and minimum control.
- (2) The size of the advertisement allowed in this class, is as follows:
 - (a) Locality bound: Maximum Area <20 % per ground floor facade of the business
 - (b) Non locality bound: Not permitted.
- (3) The position and spacing requirements for this class of advertisements are as follows:
 - (a) One advertisement per business per street frontage.
 - (b) Permitted on facade, walls and roofs.
- (4) These advertisements may not be illuminated or animated.
- (5) This class consists of advertisements painted directly on the main walls or roofs of a building used for commercial, office, industrial or entertainment purposes.
- (6) General requirements as stated in Section 13 to 18 apply.
- (7) An advertising impact assessment (AIA) may be required for painted advertisement in excess of 36m².
- (8) Painted roof signs may only be locality bound and painted on industrial buildings.
- (9) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.

35. ADVERTISEMENTS ON GROUND LEVEL

- (1) This class will only be permitted in areas of partial and minimum control and not outside the proclaimed urban area.
- (2) The size of the advertisement will be subject to the space available.
- (3) The position and spacing requirements for this class of advertisements are as follows:
 - (a) May not span over more than one property.
 - (b) Only one advertisement per 2 kilometre radius.
 - (c) Only permitted to be parallel to ground level and may not be elevated at any point, more than 500mm from the natural ground level.

- (d) May not be placed on natural ground with a steeper gradient than 1:100.
- (e) May not be aimed at motorists travelling on public roads.
- (4) These advertisements may not be illuminated or animated.
- (5) This class consists of advertisements placed at ground level which are aimed at aircraft traffic and not at the public travelling on roads and designed in such a manner as not to interfere with the natural environment and living creatures on that land.
- (6) General requirements as stated in Section 13 to 18 apply.
- (7) An environmental study shall be required with the application, undertaken by a qualified environmentalist.
- (8) Approval must be obtained from all relevant authorities, including but not limited to the Civil Aviation authority and the Environmental authority.
- (9) Advertisements in this class shall only display the name, logo and slogan of the advertiser.
- (10) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.

36. SECURITY ADVERTISING SIGNS

- (1) This class will be permitted in all areas of control.
- (2) The size and height of advertising signs allowed in this class, are as follows:
 - (a) Size: Security services signs: Maximum area: 0,35m²
Neighbourhood and farm watch: Maximum area 1, 5m²
 - (b) Height: Maximum 3m
- (3) The position and spacing requirements for this class of signs are as follows:
 - (a) Security services signs:
 - (i) One advertising sign per street frontage firmly affixed to the building, boundary wall, fence or gates or on the stand.
 - (ii) Minimum spacing of one per 30m length of street boundary.
 - (b) Farm watch advertising signs:
 - (i) At the junction or intersection of a public road and private access road or at the entrance to an individual farm.
 - (ii) Only one advertising sign per farm shall be permitted.
 - (c) Neighbourhood watch advertising signs:
 - (i) Within a municipal road reserve, at the points where the watch areas are entered.

(d) Not on road island or median.

(4) These advertising signs may not be illuminated or animated.

(5) This class consists of an advertising sign which may only refer to the existence and operation of neighbourhood watch, commercial security service, burglar 2 alarm system, farm watch and similar watch schemes.

(6) General requirements as stated in Section 13 to 18 apply.

(7) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY, except for security services signs.

37. VERANDA, BALCONY, CANOPY AND UNDER AWNING ADVERTISING SIGNS

(1) This class will be permitted in all areas of control.

(2) The height of signs allowed in this class is as follows:

(a) Clear Height: 2,4m.

(b) Projection: 100mm from surface.

(3) The position and spacing requirements for this class of signs are as follows:

(a) One per business façade.

(b) May be suspended above sidewalks.

(c) May not extend above below or beyond any extremity or a parapet wall, balustrade, railing, beam or fascia;

(4) These signs may be illuminated but not animated.

(5) This class consists of balcony, veranda, canopy and under awning signs which are:

(a) Affixed flat onto or painted on a parapet wall, balustrade or railing of a veranda or balcony;

(b) Affixed flat onto or painted on a fascia of a veranda or beam over veranda columns;

(c) Affixed flat onto or painted on the fascia of a roof structure without walls such as a roof covering petrol pumps at a service facility (filling) station;

(d) Suspended below the roof of a veranda or balcony (under awning signs);

(e) Placed on top of a roof or veranda;

(f) Affixed to or painted on a pillar, column or post supporting a veranda, balcony or a roof structure without walls;

(g) Painted or printed on the fabric of a blind.

(6) General requirements as stated in Section 13 to 18 apply.

(7) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY, except locality bound canopy signs at service facilities.

38. RESIDENTIAL HOME UNDERTAKING

AND COMMUNITY INSTITUTION SIGNS

(1) This class will be permitted in all areas of control for home undertakings and community institutions.

(2) The size and height of advertising signs allowed in this class, are as follows:

(a) The size of the home undertaking sign shall not exceed 1,5m²

(b) The size of the community institutions sign shall not exceed 3m²

(c) The height shall not exceed 3m for freestanding signs.

(d) The relevant Consent use or Town Planning Scheme is applicable.

(e) Sponsor name or logo: Maximum of 1/3 of total advertisement area.

(3) The position and spacing requirements for this class of advertising signs are as follows:

(a) Only locality bound advertisements on boundary wall, fence, gates.

(b) Farm/small holdings signs: Next to entrance of access road or on gate of entrance.

(c) Freestanding only when not possible to fix to building / wall or boundary fence limited to one sign only.

(d) One sign per undertaking or institution per street frontage.

(e) Only locality bound advertisements.

(f) Not in road reserve.

(4) These advertising signs may be illuminated except advertising signs in natural and rural areas of control. These advertising signs may not be animated.

(5) This class consists of signs for small business and practices on urban residential premises and includes signs for community institutions and facilities such as religious, cultural, recreational and certain medical and similar institutions.

(6) General requirements as stated in Section 13 to 18 apply.

(7) The sign may only indicate the name, logo and nature of the undertaking or institution and no product advertising or advertising for sales of any kind are permitted on this advertising sign.

(8) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.

39. SPONSORED ROAD TRAFFIC PROJECTS

- (1) This class will be permitted in all areas of control.
- (2) The size and height of advertising signs allowed in this class, are as follows:
 - (a) Size: Maximum area 4,5m²
 - (b) Height: Maximum 3m²
 - (c) Sponsor name or logo: Maximum of 1/3 of total advertisement area.
- (3) The position and spacing requirements for this class of advertising signs are as follows:
 - (a) Inside all metropolitan road reserves but not on road island or median.
 - (b) Spacing if on same side of road: 1km.
 - (c) Not combined with or attached to road traffic sign.
 - (d) No road traffic sign or symbol used in any road traffic sign may be used.
- (4) These signs may not be illuminated or animated.
- (5) This class consists of advertising signs relating to the sponsoring of projects specifically intended for road users aimed at the provision of road services, the promotion of road safety or the management and conservation of road side environments.
- (6) General requirements as stated in Section 13 to 18 apply.
- (7) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.

40. VEHICULAR ADVERTISING

- (1) This class will be permitted in all areas of control.
- (2) These advertising signs may not extent beyond the edges of the vehicle.
- (3) The vehicle may not be parked in the road reserve with the sole purpose of advertising.
- (4) These advertisements may not be illumination or animated.
- (5) This class consists of advertisements on self-driven vehicles which are normally moving on land or water, including taxis, buses, trains and delivery vehicles, but excluding aircraft.
- (6) General requirements as stated in Section 13 to 18 apply

41. CONSTRUCTION SITE ADVERTISING SIGNS

- (1) This class will be permitted in all areas of control.
- (2) The height of advertising sign allowed in this class, are as follows:

Construction Site Building Wrap: Not exceeding the top of the building or multi-storey parking garage, or in the event of a Construction site boundary sign: A maximum of 10,5m if permitted in terms of the relevant Town Planning Scheme.

(3) The position and spacing requirements for this class of advertising signs are as follows:

(a) Not on top of or above the fence or wall.

(b) Not project more than 0,1m from boundary wall or fence.

(c) Not permitted along or on freeways.

(d) May not be painted/ pasted directly on construction site boundary wall.

(e) May not encroach on the road reserve unless insufficient space on the erf.

(4) These advertising signs may be externally illuminated from the top, but may not be animated. Illumination will not be permitted where it will impact on areas of maximum control.

(5) The class consists of advertising signs fixed flat against any fence or wall where such fence or wall forms the boundary of a site where construction work is being carried out, or affixed to walls of unoccupied buildings undergoing construction, renovation or maintenance, or affixed to a multi-storey parking garage, or against the scaffolding erected for that purpose to conceal unsightly construction.

(6) General requirements as stated in Section 13 to 18 apply.

(7) An advertising impact assessment (AIA) may be required.

(8) Advertising signs attached or affixed to boundary fences of construction sites, are to be uniform in size and aesthetically pleasing.

(9) These signs may be erected on condition that such advertising signs will conceal an unsightly condition arising out of the use to which the property is lawfully being put, and on condition that such advertising signs: shall be making a positive contribution to the visual environment, and not for the sole purpose of advertising. A building may only be wrapped when unoccupied and during construction, renovation or maintenance. A construction site boundary sign may only be displayed while construction is taking place on the specific site.

(10) Proof to the satisfaction of the CHIEF ALBERT LUTHULI MUNICIPALITY must be submitted to confirm that the building or site is under lawful construction.

(11) It will only be permitted for a period of twelve months, or for the duration of the construction, renovation or maintenance work whichever is the shorter.

Thereafter the approval can be renewed subject to a new application be submitted and in terms of conditions as the Municipality deems fit.

(12) Specific conditions may be imposed by the CHIEF ALBERT LUTHULI MUNICIPALITY in the event where non locality bound signs are in close proximity or on the construction site.

(13) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.

42. PROJECT AND DEVELOPMENT ADVERTISING SIGNS

(1) This class will be permitted in all areas of control.

(2) The size and height of advertising signs allowed in this class are as follows:

(a) Project sign:

(i) Maximum size: 1,5m² per consultant.

(ii) Maximum size: 9m².

(iii) Height: Maximum 5,5m.

(iv) Clear Height: 2,4m.

(b) Development sign:

(i). Maximum size: 6m² in maximum control area.

(ii). Maximum size: 12m² in partial and minimum control area.

(iii). Height: Maximum 5,5m.

(iv). Clear Height: 2,4m.

(3) The position and spacing requirements for this class of advertising signs are as follows:

(a) Project sign:

(i) One sign per streetfront on the specific site.

(ii) Not in road reserve.

(iii) Only road construction signs will be permitted within the road reserve.

(iv) Not next to a freeway.

(b) Development sign:

(i) Only one development advertising sign per street frontage per development on the specific site.

(ii) Only one additional sign with supplier detail is permitted per development.

(iii) Signs indicating supplier details may only be erected within the site and may not be positioned where intended for or visible by passing vehicle or pedestrian traffic.

(iv) Not in road reserve.

(4) The general requirements as stated in Section 13 to 18 apply.

(5) Requirements applicable to PROJECT SIGNS:

- (a) Project signs may not be illuminated or animated.
- (b) Project signs consist of advertising signs displaying the involvement of contractors and consultants in minor or major construction projects or alterations to existing structures or facilities and the development advertisements describes the type of development
- (c) The advertisement shall describe only the building or structure being erected or other work or activity being carried out during the duration of the project, and the names of the contractors or consultants concerned in such work or activity. The branches of the industry or the professions of the contractors or consultants may be listed.
- (d) Individual or single signs shall be displayed only if no other consultants or contractors are involved or if a combined project sign has already been erected.
- (e) Only one advertisement or advertising sign per contractor or consultant shall be permitted per street frontage of a site, while in areas of maximum control, only one advertisement or advertising sign per contractor or consultant per project shall be permitted.
- (f) Project sign concerning road construction may be positioned in any road reserve.
- (g) Project sign shall be displayed only during the period when the construction works are actually taking place on the site.

(6) Requirements applicable to DEVELOPMENT SIGNS:

- (a) Included are advertisements describing the type of development being carried out on a site and giving details such as the type of accommodation being provided, floor space available and the name, address and telephone number of the developer or his agent.
- (b) A visual presentation or description of the building or structure being erected may also be included.
- (c) Advertising signs or advertisements indicating supplier details are to be combined on only one sign per development and restricted to a maximum of nine uniform panels on the sign.
- (d) Development advertising sign may be illuminated, only if the road is illuminated, but may not be animated.
- (e) Only while relevant development is taking place.

(7) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.

43. AERIAL SIGNS

- (1) This class will be permitted in urban areas of partial and minimum control.
- (2) No shape or size restriction for these advertising signs.
- (3) The position and spacing requirements for this class of advertising signs are as follows:
 - (a) Not closer than 5 nautical miles from the aerodrome reference point of an aerodrome.

(b) Not above a public road.

(4) These advertising signs may not be illuminated or animated. A moored airship may be illuminated.

(5) This class consists of aerial signs painted on, attached to or produced by an aircraft, such as a captive balloon, a kite, an unmanned free balloon, a manned free balloon, an airship (moored), an airplane (banner towing or smoke signals), a craft for parasailing, a hangglider, a model or, radio controlled aircraft, and a aircraft towed behind a vehicle or vessel for the purpose of flight.

(6) General requirements as stated in Section 13 to 18 apply.

(7) An aerial sign shall not be flown without the, permission of the Commissioner of Civil Aviation.

(8) With the exception of moored airships, aerial signs shall be displayed in daylight hours only for a period not exceeding two weeks.

(9) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.

44. ESTATE AGENT SIGNS

(1) This class will be permitted in all areas of control.

(2) The size and height of advertising signs allowed in this class are as follows:

Maximum size: Non-residential vacant Erf: 6m²

Size: All other signs: 0.6m x 0.45m

Height: Maximum 3m

(3) The position and spacing requirements for this class of advertising signs are as follows:

(a) Placed close to a boundary fence or within boundary of Erf.

(b) Maximum one advertising sign per agency.

(c) Maximum three advertising signs per Erf.

(d) Non-residential vacant Erf/land, will not be permitted in the road reserve

(4) These advertising signs may not be illuminated or animated.

(5) This class consists of advertising signs which are temporarily displayed, by the owner or its agent, to advertise the fact that land, premises, development or any other form of real estate is for sale, to let, sold or on show.

(6) General requirements as stated in Section 13 to 18 apply.

(7) All advertisements in this class shall contain only the words 'For Sale', 'To Let',

'Sold' or 'On Show' and the name, logo, address and telephone number of the selling agent or letting agent.

(8) The erection of 'On Show' estate agents' signs on streets reserves shall be permitted on public holidays from 05:00 on condition that they be removed before 20:00 on that day and after 12:00 on Fridays on condition that they be removed before 12:00 on the following Monday.

(9) An advertising sign may consist of a single sign or two duplicate signs joined at an angle of 120°.

(10) Any estate agents sign exceeding 0,27m² shall submit a formal application to the CHIEF ALBERT LUTHULI MUNICIPALITY.

(11) The advertising signs shall be placed at or fixed to the building concerned, or attached to the boundary fence of the premises concerned, or displayed within the boundaries of such premises, or displayed on the sidewalks to a maximum of 1 metre away from the boundaries of such premises.

(12) "On Show" estate agent signs shall be allowed to be displayed within the road reserve in the event of the advertising sign being a residential advertising sign.

Advertising signs shall not be displayed on road islands or medians. 'On Show' signs may be displayed from the nearest Class 3 road with no less than 60m intervals between the signs, and no more than 10 signs being displayed at any one time. This includes "On Show" signs for new developments.

(13) All 'For Sale' and 'To Let' signs shall be removed no later than 3 days after completion of the sale or granting of the tenancy.

(14) 'Sold' signs may be displayed for a period not exceeding 30 days after completion of sale

(15) 'On Show' signs for new developments may be erected for a period of six (6) months where after an extension of an additional six (6) months may be obtained at the discretion of the CHIEF ALBERT LUTHULI MUNICIPALITY. All such signs shall display a sticker obtainable from the CHIEF ALBERT LUTHULI MUNICIPALITY confirming legality.

(16) No advertisement relating to the sale, show or lease of a fixed property shall be displayed in any manner or in view of any street, unless the prescribed annual license tariff is paid, particulars of the concerned estate agency are recorded on a database, and the necessary prescribed license is issued by the CHIEF ALBERT LUTHULI MUNICIPALITY.

(17) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.

45. PORTABLE ADVERTISING SIGNS

(1) This class will be permitted in all areas of control.

(2) The size and height of advertising signs allowed in this class, are as follows:

(a) Size:

Maximum area: Single sided: 0.75m²

Double sided: 1.5m²

Maximum area per forecourt frontage of premises: 3m²

Filling stations & roadside service areas:

Maximum area per forecourt frontage I premises: 8m²

(b) Height: Maximum 1m.

(3) The position and spacing requirements and some general conditions for this class of advertising signs are as follows:

(a) In forecourts of businesses or on sidewalk in front of business premises.

(b) Freestanding and moveable.

(c) Not be positioned in such a way as to interfere with pedestrian circulation.

(4) These advertising signs may not be illuminated or animated.

Infrastructure Services

(5) This class consists of moveable freestanding temporary advertising signs displayed in forecourts of business and on sidewalks in front of business premises to draw attention to any commercial services, goods for sale, or other services available at the premises.

(6) General requirements as stated in Section 13 to 18 apply.

(7) A maximum of one sign is permitted per business only during business hours, and must be removed from the forecourt or sidewalk on close of business at the end of normal trading hours.

(8) Handwritten messages are permitted on signs provided for this purpose.

(9) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.

46. BANNERS AND FLAGS

(1) This class will be permitted in all areas of control.

(2) This class consists of two categories namely, banners and flags:

(a) Category One: Temporary banners erected to advertise public and charitable events, functions, occasions, meetings or campaigns of a religious, educational, cultural, political, social, sporting or recreational nature. This includes banners erected to advertise an auction as well as public awareness and community based campaigns and notices of a public meeting. It also includes banners for parliamentary or municipal elections, by-elections, referenda and registration process.

(b) Category Two: Permanent and semi-permanent flags displaying the name, logo and nature of the specific business.

(3) The size and height of advertising signs allowed in this class, are as follows:

(a) Category One: Banners

Maximum size: 5m²

Height: Maximum 2m

Maximum advertisement area per event per street front: 10m²

(b) Category Two: Flags

Maximum size: 4m²

Height: Maximum 5m

(4) The requirements for category one advertising signs (banners) are as follows:

(a) Maximum of 5 banners per event:

(b) On the site I boundary fences I walls of where the function I event is to take place or on boundary fences I walls of a third party or in positions within the road reserve as determined by the CHIEF ALBERT LUTHULI MUNICIPALITY.

(c) Minimum distance from centre of intersection: 50m.

(d) Minimum distance from road sign or signal: 50m.

(e) Minimum of 120m apart if in road reserve.

(f) No advertisement shall be displayed for more than two weeks before the date of the function or event advertised and no such advertisement shall be permitted to remain in position for more than three days after the conclusion of such function or event.

(g) No banner may be suspended across a road, be affixed to a bridge spanning a road, placed on or against or attached to or otherwise supported by any transformer box, telegraph pole, tree, road traffic sign, electric light standard or other sign or object.

(h) No banner may be positioned within the roadway or shoulder of a road.

(i) Banners for parliamentary or municipal elections, by-elections, referenda and registration process are only permitted to be placed against the boundary walls I fences or on the premises of the voting registration/station.

(j) All banners shall be removed within 3 days of the passing of the event.

Failure to remove a banner will result in forfeiting the deposit for that banner.

(k) Every deposit paid shall be refunded when the entire banner to which the deposit relates, have been removed to the satisfaction of the CHIEF ALBERT LUTHULI MUNICIPALITY.

(l) Any person who, having displayed or caused to be—displayed any banner, fails to remove it or cause it to be removed within the periods prescribed shall be guilty of an offence and shall, in addition to any penalty imposed upon him, forfeit the deposit relating to it or such proportionate part of that deposit as the CHIEF ALBERT LUTHULI MUNICIPALITY shall access having regard to the number of banners not removed.

(5) The requirements for category two advertising signs (flags) are as follows:

- (a) Maximum of 10 permanent flags per street front.
- (b) Maximum of 4 semi-permanent flags per street front per business premises.
- (c) Minimum of 2m spacing between any two flags.
- (d) Flags are to be of equal size.
- (e) Only locality bound flags shall be used for advertising businesses.
- (f) Semi permanent flags may be displayed directly in front of the specific business in the road reserve in positions as determined by the CHIEF ALBERT LUTHULI MUNICIPALITY but may not be positioned within the roadway or shoulder of a road. They must be removed on close of business at the end of normal trading hours.
- (g) Every permanent flag shall be attached to a single flagstaff projecting vertically from premises or projecting vertically, horizontally or at an angle from a building on the site or against the building or boundary walls/ fences where the business is located or attached to a freestanding flag staff on approved sites.
- (h) No permanent flag is permitted to be displayed within the road reserve
- (i) Flags may only display the name, logo and nature of the business.
- (j) The clear height of the permanent flag shall not be less than 2,4m.
- (k) If projecting over a sidewalk and pedestrian circulation route, the clear height must exceed 2,4m and for a cycle circulation route a clear height of at least 3,0m
- (l) No person shall display or erect any flag which relates to a business which is conducted on an Erf or land which has not been rezoned for that specific purpose.
- (6) The general requirements for this class of signs are as follows:
 - (a) These advertising signs may not be illuminated or animated.
 - (b) General requirements as stated in Section 13 to 18 apply.
 - (c) Banners and flags shall not be used for advertising sales promotions or commercial products or events.
 - (d) Every banner or flag shall be attached so as not to interfere with or constitute a danger to passing vehicular or pedestrian traffic and shall not be displayed within or across any footpaths and cycle circulation routes or Central Business District sidewalks.
- (7) National flags of any country are excluded from this class and may therefore be displayed in all areas of control provided they do not carry any advertisement or subject matter additional to the design of the flag or flagstaff.
- (8) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.

47. POSTERS AND NOTICES

(1) This class will be permitted in urban areas of maximum, partial and minimum control.

(2) This class consists of five categories of posters namely:

Category One: Posters erected to advertise public and charitable events, functions, occasions, meetings or campaigns of a religious, educational, cultural, political, social, sporting or recreational nature. This category includes posters erected to advertise an auction but excludes posters advertising sales promotions, commercial products and events of a commercial nature.

Category Two: Posters erected in this category may be used for commercial advertising on structures for which specific provision has been made for by the

CHIEF ALBERT LUTHULI MUNICIPALITY.

Category Three: Posters displayed in this category shall display selected news headlines of a specific edition of a newspaper.

Category Four: Posters public awareness and community based campaigns, notices of a public meeting.

Category Five: Posters for parliamentary or municipal elections, by-elections, referenda and registration process.

(3) The size and height of advertising signs allowed in this class, are as follows:

CATEGORY ONE AND FIVE:

Size: One direction: < 0.54m²

More directions: < 1.08m² in total if double

sided or for two posters back to back

Prescribed posters: 0.9m x 0.6m (A1 size)

Height: Minimum Height (Clearance): 2,4m

At least 2m below light fixtures

CATEGORY TWO:

Size: One direction: < 1.08m²

More directions: < 2.16m² in total if double:

sided or for two receptacles back to back

Prescribed posters: 1.2m x 0.9m (A0 size)

Height: Minimum Height (Clearance): 2,4m

Infrastructure Services

At least 2m below light fixtures

CATEGORY THREE:

Size: One direction: < 0.32m²

More directions :< 0.64m² in total if double-sided

or for two posters back to back

Prescribed posters: 0.7m x 0.45m (A2 size)

Height: Minimum Height (Clearance): 1m

At least 2m below light fixtures

CATEGORY FOUR:

Size One direction: < 1.08m²

More directions: < 2.16m² in total if double-sided

or for two posters back to back

Prescribed posters: 1.2m x 0.9m (A0 size)

Height: Minimum Height (Clearance): 2,4m

At least 2m below light fixtures

(4) The position and general requirements for this class of advertising signs are as follows:

(a) General requirements as stated in Section 13 to 18 apply.

(b) Standardized pole mounted posters shall be permitted only where they will not have a negative visual impact on the streetscape and the character of an area.

(c) Only permitted on electric light standards or other structure, which is provided for the express purpose of affixing posters and notices.

(d) May not be placed on or against or attached to or otherwise supported by any power line standard, power masts, transformer box, telegraph pole, road traffic sign or signal (any lamp pole which has a road traffic sign or signal attached to it), traffic circle, traffic island or median (except

Category Two (2) and Three (3) Posters), wall, column or post of a veranda or balcony, fencing, electricity box or substations, tree or bridge.

(e) No advertising sign shall be mounted on a short (4,5m) streetlight pole.

(f) Not to cover municipal markings / stripes on lampposts.

- (g) No steel or aluminium ladders shall be placed against the standards on which the posters are to be erected.
- (h) These advertising signs may not be illuminated or animated.
- (i) Only permitted inside urban road reserves for roads under the jurisdiction of the Chief Albert Luthuli Municipality and exclude freeways, National roads and Provincial roads.
- (l) Not closer than 0.3m from the nearest edge of any posters to the edge of the shoulder of the road.
- (k) Not to obstruct pedestrian movement.
- (l) Street light poles positioned in front of or adjacent to primary or secondary schools may not be used for posters and notices.
- (m) May not in any way interfere with the sight distance of motorists.
- (n) Advertisements may not have any letters smaller than 50mm in height.
- (o) If so required by the CHIEF ALBERT LUTHULI MUNICIPALITY, the content may be subject to the CHIEF ALBERT LUTHULI MUNICIPALITY's approval.
- (p) The CHIEF ALBERT LUTHULI MUNICIPALITY shall, without giving notice to anyone, itself remove and destroy any poster or advertising sign displayed without its permission having been obtained or in contravention of any provision of this section of which has not been removed within the period specified of which constitutes in any respect a contravention of the provisions of this section and the person who displayed, any posters or advertising sign or caused permitted or suffered it to be displayed shall be liable to refund to the CHIEF ALBERT LUTHULI MUNICIPALITY the cost to be assessed by the CHIEF ALBERT LUTHULI MUNICIPALITY, of the said removal and destruction and in addition shall be guilty of an offence.
- (q) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.
- (5) Conditions applicable to category one posters:
 - (a) A maximum of 100 posters permitted per event per customer care centre.
 - (b) Temporary posters shall be fixed to electric light standards and fixed receptacles by means of a suitable cord and no metal clamps or wire shall be used
 - (c) Shall not be used to advertise a commercial event or product or sales promotion.
 - (d) At least 50m from the centre of an intersection.
 - (e) A street name list on where the posters will be erected, is to be provided when applying, failure to submit this list will result in the forfeiting of the deposit paid.
 - (f) Posters shall be erected only 14 days prior to the event.
 - (g) The display period during the event shall not exceed 30 days.

(h) All posters, backing boards and cord or string shall be removed within 3 days of the passing of the event. Failure to remove a poster, will result in forfeiting the deposit for that poster.

(i) A maximum of four (4) per post or standard. It shall then be affixed in a double-sided manner back to back; i.e. only two poster visible per direction of travel.

(j) The content is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY. The name of the relevant responsible organization, aid the date and place of the occasion or event must be clearly displayed on the poster. The CHIEF ALBERT LUTHULI MUNICIPALITY shall be entitled to retain one such poster for identification purposes.

(k) An applicant will submit a street list indicating positions of posters erected within 3 days after approval is granted.

(l) Poster advertising signs aimed at the road used shall not be less than 120m apart.

(m) Ever poster and notice for which permission is granted, shall display a municipal sticker with a reference number.

(n) No poster or other advertising sign shall be placed in a street or other public place unless the appropriate tariff has been paid to the CHIEF ALBERT LUTHULI MUNICIPALITY.

(o) Every deposit paid shall be refunded when all the posters, advertising signs or advertisements to which the deposit relates, have been removed to the satisfaction of the CHIEF ALBERT LUTHULI MUNICIPALITY.

(p) Any person who, having displayed or caused to be displayed any advertising sign or advertisement, fails to remove it or cause it to be removed within the periods prescribed shall be guilty of an offence and shall, in addition to any penalty imposed upon him, forfeit the deposit relating to it or such proportionate part of that deposit as the CHIEF ALBERT LUTHULI MUNICIPALITY shall access having regard to the number of posters, advertising signs or advertisements not removed.

(6) Conditions applicable to category two posters:

(a) Posters shall be fixed to electric light standards by means of removable brackets or strapping. No drilling or welding of poles will be permitted.

(b) At least 50m from the centre of an intersection.

(c) A maximum of two per post or standard. It shall then be affixed in a double-sided manner; i.e. two receptacles back to back.

(d) May only be places in certain specific areas and along certain arterial roads.

(e) Street light poles positioned in front of Municipal Offices are reserved for the exclusive use for advertising purposes by the CHIEF ALBERT LUTHULI MUNICIPALITY.

(f) More creative and visually pleasant structures should be used for displaying of posters than standardized pole mounted structures in order to make a positive contribution to streets camping.

(g) The CHIEF ALBERT LUTHULI MUNICIPALITY shall determine the number and display format of posters in this category.

(7) Conditions applicable to category three posters:

(a) Poster frames shall be fixed to electric light standards by means of removable brackets or strapping. No drilling or welding of poles will be permitted.

(b) Shall not be used to advertise a commercial event.

(c) May be displayed on electric light standards within 50m from the centre of an intersection.

(d) May be displayed along specific main traffic routes.

(e) If projecting over a sidewalk and pedestrian circulation route, the clear height must exceed 2,4m and for a cycle circulation route a clear height of at least 3,0m;

(f) A specific news headline shall only be displayed for 24 hours.

(g) A maximum of one per post or standard. Back to back at same position will be permitted.

(h) The CHIEF ALBERT LUTHULI MUNICIPALITY shall determine the number and display format of posters in this category.

(i) No poster frame or news headline shall be placed in a street or other public place unless the appropriate tariff has been paid to the CHIEF ALBERT LUTHULI MUNICIPALITY.

(8) Conditions applicable to category four posters:

(a) Posters shall be fixed to electric light standards by means of removable brackets or strapping. No drilling or welding of poles will be permitted.

(b) Shall not be used to advertise a commercial event.

(c) At least 50m from the centre of an intersection

(d) A maximum of one per post or standard.

(e) All posters, backing boards and cord or string shall be removed within 3 days of the passing of the event

(f) Poster advertising signs aimed at the road used shall not be less than 120m apart.

(g) No poster, advertising sign or advertisement shall be placed on a street or other public place unless the appropriate tariff has been paid to the

CHIEF ALBERT LUTHULI MUNICIPALITY.

(h) Public awareness and community based campaigns are to be directed at the residents within a specific community aimed at indicating crime statistics and reporting of incidents.

(l) The CHIEF ALBERT LUTHULI MUNICIPALITY shall determine the number and display format of posters in this category

(9) Conditions applicable to category five posters:

(a) Posters shall be fixed to electric light standards and fixed receptacles by means of a suitable cord and no metal clamps or wire shall be used

(b) Shall not be used to advertise a commercial event.

(c) At least 50m from the centre of an intersection

(d) A maximum of three per post or standard.

(e) The CHIEF ALBERT LUTHULI MUNICIPALITY shall in the absence of legislative prescriptions determine the number and display format of posters in this category.

(f) No posters relating to a parliamentary or municipal election, referendum or registration process shall be displayed for longer than the period extending from the beginning of the date of proclamation in the Government Gazette of an upcoming referendum or election to the end of the fourteenth day after the date of such election, referendum or registration process.

(g) No poster, advertising sign or advertisement shall be placed in a street or other public place unless the appropriate tariff has been paid to the CHIEF ALBERT LUTHULI MUNICIPALITY.

(h) Every deposit paid shall be refunded when all the posters, advertising signs or advertisements to which the deposit relates, have been removed to the satisfaction of the CHIEF ALBERT LUTHULI MUNICIPALITY

48. ADVERTISEMENTS ON LITTER BINS

(1) This class will be permitted in urban areas of maximum, partial and minimum control.

(2) The size of advertisements allowed in this class, are as follows:

Size: < 2,2m² in total area provided that the advertisements face more than one direction

(3) The position and spacing requirements for this class of advertising signs are as follows:

(a) Permitted inside urban road reserve under the jurisdiction of CHIEF ALBERT LUTHULI MUNICIPALITY, excluding all Provincial and National roads, and excluding all freeways.

(b) Shall not be positioned closer than a minimum of 1,8m from the edge of the pavement litterbin to the edge of the shoulder of the road; and 0,3m from a cycle path, footpath or sidewalk. It shall not be placed in such a way that it may cause deviation of the normal and easy flow of pedestrians or cyclists.

(c) Not to obstruct pedestrian movement.

(d) May not in any way interfere with the sight distances of motorists.

(e) May not be placed on a road median of less than 4m wide.

- (f) Pole mounted litter bins are only permitted on streetlight poles or other structure, which is provided for the express purpose of affixing pole mounted litter bins.
- (g) Pole mounted litter bins may not be attached to power line standard, power masts, road traffic sign or signal, traffic circle, traffic island, wall, column or post of a veranda or balcony, fencing, electricity box or substations, tree or bridge.
- (h) Only one pole mounted litterbin will be permitted per streetlight pole and one advertisement will be permitted per pole mounted litter bin.
- (i) No drilling or welding of poles will be permitted. Pole mounted litter bins shall be fixed to poles by means of removable brackets or stripping.
- (4) Litter bin advertisements may not be illuminated or animated.
- (5) This class consists of advertising on pavement and pole mounted litter bins, which are not intended primarily for advertising but which are provided for pedestrians and commuters.
- (6) General requirements as stated in Section 13 to 18 apply.
- (7) It provides ample opportunity for no locality bound advertising along urban roads and streets inside road reserves as well as opportunities for no locality bound advertising in public spaces and in other pedestrian orientated areas at shopping centres, shopping malls and at transport nodes.
- (8) Litter bins shall not be used or positioned for the primary or sole purpose of advertising, but only where warranted by pedestrian movement, or at locations as requested by the Municipality.
- (9) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.

49. ADVERTISEMENTS ON PUBLIC TRANSPORT SHELTERS

- (1) This class will be permitted in urban areas of maximum, partial and minimum control.
- (2) The size and height of advertisements in this class will be guided by the design of the public transport shelter, and will be subject to CHIEF ALBERT LUTHULI MUNICIPALITY approval.
- (3) The position and spacing requirements for this class of advertising signs are as follows:
 - (a) Permitted only on public transport shelter which are inside urban road reserve or on any other property under the jurisdiction of CHIEF ALBERT LUTHULI MUNICIPALITY, excluding all Provincial and National roads, and excluding all freeways.
 - (b) Shall not be positioned closer than 1,8m from the nearest edge of the public transport shelter to the edge of the shoulder of the road, but can be reduced to a minimum of 1, 2m if approved by CHIEF ALBERT LUTHULI MUNICIPALITY; and 0, 3m from a cycle path, footpath or sidewalk. It shall not be placed in such a way that it may cause deviation of the normal and easy flow of pedestrians or cyclists.
 - (c) Public transport shelters shall be placed at specific locations as approved by the CHIEF ALBERT LUTHULI MUNICIPALITY, on a public transport route where there is a need for such a shelter.
 - (d) Not to obstruct pedestrian movement.

(e) May not in any way interfere with the sight distances of motorists.

(f) May not be placed on a road median, road or traffic island.

(4) Advertisements on public transport shelters may be illuminated, but not animated, and only if it does not lead to unsafe driving conditions, or does not have a detrimental effect on the surrounding area and where it is specifically not prohibited. No illumination shall be permitted in areas of maximum control.

(5) This class consists of advertisements on public transport shelters which forms part of the public transport shelter structure. The public transport shelter is a freestanding covered structure at a bus stop, taxi rank or lay bye, with the purpose to provide a limited shelter for commuters and pedestrians, and is not intended primarily for advertising.

(6) General requirements as stated in Section 13 to 18 apply.

(7) The advertisement must be affixed to, and form part of, the public transport shelter, and may not be a freestanding structure. No part of the advertising sign or advertisement may extend beyond the panels or roof of the public transport shelter, as approved by CHIEF ALBERT LUTHULI MUNICIPALITY.

(8) It provides ample opportunity for non-locality bound advertising along urban roads and streets inside road reserves and at transport nodes.

(9) Public Transport Shelters shall be constructed in accordance to CHIEF ALBERT LUTHULI MUNICIPALITY's specifications or designs approved by the CHIEF ALBERT LUTHULI MUNICIPALITY.

(10) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.

50. STACK SIGNS

(1) This class will only be permitted in areas of minimum control in industrial areas.

(2) The size and height of advertising signs allowed in this class, are as follows:

Size: Maximum 16m²

Maximum size may be increased to 23m² if height restriction is relaxed in terms of the Town Planning Scheme

Minimum dimension per panel: 1 m x 1 m

Not less than four and not more than ten panels per side

Height: Maximum 7,5m

Height may be increased to 10,5m if permitted in Town Planning

Scheme

Width of structure: Not less than 2,1 m

Not more than 3m

Clear Height: 2,4m

- (3) A maximum of two stack sign per intersection positioned diagonally will be permitted.
- (4) A stack sign may be illuminated, but may not be animated.
- (5) This class consists of a freestanding advertising sign in the road reserve displaying a combination of advertisements of several businesses on separate panels.
- (6) General requirements as stated in Section 13 to 18 apply.
- (7) Advertisement panels may not be reflective.
- (8) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.

51. STREET NAME ADVERTISING SIGNS

- (1) This class will be permitted in urban area of maximum, partial and minimum control.
- (2) The size and height of advertising signs allowed in this class, are as follows:

Street name sign (GL1 signs): Rectangular in shape (according to SADC RTSM requirements).

Minimum Length: 500mm.

Maximum Length: Determined by the street name length and type of sign.

Width (height): 300mm.

Advertisement panel: Rectangular in shape, either in a landscape or portrait format.

Minimum Area: 1, 00 m².

Maximum Area: 1, 68 m².

Horizontal measurement: Between 0,8m and 1, 6m.

Vertical measurement: Between 1,0m and 1 ,6m.

Clear Height: Minimum of 2,1m to the street names.

Only one advertisement per side will be permitted.

- (3) The position and spacing requirements for this class of road sign combined with an advertisement panel are as follows (should also adhere to SADC RTSM, GL1 sign requirements):

- (a) Street name section below advertising panel, but not closer than 200mm.
- (b) May not extend over the road surface.
- (c) It may not be located directly in front of, or behind a road traffic signal.
- (d) Must be located as far as possible in the far left corner of the junction of two streets, for both directions of traffic, specifically for the main roads. It will therefore be positioned diagonally.

(e) Maximum two illuminated advertising signs diagonally opposite one another per intersection. At junctions of lower order roads, one street name sign (combined with an advertisement panel) will normally be adequate.

(f) Inside urban road reserve (CHIEF ALBERT LUTHULI MUNICIPALITY roads only), but not on freeways, any

Provincial or National road, road medians or road islands, and it should take into consideration the traffic movements, other road traffic signs and street furniture.

(g) Shall not be erected closer than a minimum of 0,5m from the edge of the advertising sign to the vertically projected edge of the shoulder of the road; and 0,3m from a cycle path, footpath or sidewalk.

(h) May not interfere with the sight distances of motorists or obstruct pedestrian movement.

(4) These advertising signs may be illuminated as follows:

(a) Internal illumination of the advertising sign may not exceed the luminance intensity of the street name section.

(b) Illumination only permitted if it does not lead to unsafe driving conditions, or does not have detrimental effect on the surrounding area and where it is specifically not prohibited.

(c) These advertisements may not be animated and may not flash.

(5) This class consists of pole mounted street name signs (road traffic signs — GLI sign in the SADC RTSM), carrying a double-sided advertisements, which may be internally illuminated, displayed in combination with street name signs in the urban environment.

(6) General requirements as stated in Section 13 to 18 apply.

(7) These advertising signs will constitute an important service to both the motorist and the pedestrian in locating such facilities and functions.

(8) The street name shall be in black letters on a white background.

(9) Any street name on the advertisement panel shall be smaller and less conspicuous than the street name on the actual street name panel.

(10) The layout of the advertisement shall be of such a nature that it shall not be misunderstood to represent a road traffic sign, due to any factors such as:

(a) a combination of colours and type of arrows as used for road traffic signs,

(b) symbols used on road traffic signs, or

(c) a combination of colours specified for road signs.

(11) The layout of the advertisement may also not encourage U-turns.

(12) Only one advertisement per side of the advertising sign, will be permitted. Each advertisement, per side, may not be split to accommodate two (2) or more advertisements.

(13) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.

52. SUBURB NAME SIGNS

(1) This class will be permitted in urban areas of maximum, partial and minimum control.

(2) The size and height of advertising signs allowed in this class, are as follows:

GL2 sign: Rectangular in shape (according to SADC RTSM requirements)

Width: 1,8m

Length: 04m

Minimum letter height: 175mm (may be reduced to
140mm for lower order roads)

Advertisement panel: Rectangular in shape

Width: Not wider than suburb name sign

Length: 0,4m

Maximum length: 0,5m

The advertisement shall be less conspicuous than the suburb name.

Height of the advertising sign: Maximum 4m

(3) A clear height of not less than 2, 1 m must be allowed for between the bottom of the sign and the ground, irrespective of the size of the sign.

(4) The position and spacing requirements for this class of advertising signs shall be according to SADC RTSM. It must be placed on the left side of the roadway at the approximate point of entrance into a suburb along the highest class of road entering a suburb, taking into consideration the location of junctions, other road traffic signs and street furniture. It shall not be located on road medians or islands. Extensions of a larger suburb do not warrant suburb name signs.

(5) Shall not be erected closer than a minimum of 0,5m from the edge of the advertising sign to the vertically projected edge of the shoulder of the road; and 0,3m from a cycle path, footpath or sidewalk, and at least 50m from the centre of an intersection. It may not interfere with the sight distances of motorists or obstruct pedestrian movement.

(6) As these advertising signs are attached to suburb name sign, which are road traffic signs, their positioning shall be dependent on the positioning of the suburb name sign.

(7) These advertising signs may not be illuminated or animated.

(8) This class consists of pole mounted location signs (road traffic signs GL2 sign in the SADC RTSM) at entrances to towns and suburbs, carrying an advertisement beneath the suburb name.

(9) General requirements as stated in Section 13 to 18 apply.

(10) The sign must be divided horizontally. The suburb name shall appear in the top panel on the front side, and shall be done according to prescriptions. The reverse side of the top panel shall be clear of any advertisement. The top panel may be combined with an advertising panel underneath the suburb name signs.

The front side of the advertising panel may contain no locality bound advertising. The reverse side of the advertising panel may be utilised for the promotion of community service messages, no profitable organizations, emergency services, or branding of the CHIEF ALBERT LUTHULI MUNICIPALITY, as provided for and required by the Municipality, or alternatively if not used by the Municipality, for no locality bound advertisements.

(11) Suburb name signs are permitted within all urban road reserves under the jurisdiction of the CHIEF ALBERT LUTHULI MUNICIPALITY, excluding all freeways, Provincial and National roads.

(12) No colours that may cause confusion with road traffic signs shall be used.

(13) The background of the advertising sign shall not be retro reflective or fluorescent.

(14) This class is subject to the approval of the CHIEF ALBERT LUTHULI MUNICIPALITY.

53. EXEMPTED SIGNS

The following advertising signs or advertisements are exempt from the provisions of this BY LAW:

(1) Any advertising sign displayed inside a sports stadium which is not visible from outside the stadium;

(2) Any advertising sign which is not aimed at road users and not visible from a public Street;

(3) Any advertising sign which is displayed inside a building at a distance of more than two metres from any window or other external opening through which it may be seen from outside the building and which is not aimed primarily at attracting the attention of the road user;

(4) Any national flag of any country hoisted on a suitable flag pole provided that no advertisement or subject matter is added to the design of the flag or flagstaff;

(5) A advertising sign which is displayed by the Council;

(6) Any banner or flag carried through the streets as part of a procession;

(7) Any advertising signs or advertisements which are permanently painted on or attached to the window glass of a building;

(8) Any advertising sign which is incorporated in and forming an integral part of the fabric of a building applicable mostly to historical buildings only if the building or structure is not primarily used for advertising.

54. PROHIBITED ADVERTISING SIGNS AND AREAS

No person shall erect or display any of the following advertising signs or advertisements or cause or permit any such advertising sign or advertisement to be erected or displayed:

- (1) Painted on a boundary wall, bridges, any water tower, reservoir or silo and all non-locality bound painted advertisements;
- (2) Any advertising sign, advertisement, fly poster or poster pasted, painted, placed on or against or attached to or otherwise supported by any power line, standard, power masts, transformer box, telegraph pole, road traffic sign or signal (any lamp pole which has a road traffic sign or signal attached to it), traffic circle, traffic island or median (except for the display of gantries, litterbins, and Category Two [2] and Three [3] Posters), wall, column or post or pillar of a veranda or balcony, fencing, electricity box or substations, tree, electrical transmission pylon or bridge or any other municipal infrastructure where specific provision has not been made;
- (3) With an overhang onto a roadway or shoulder, if not on a bridge or a gantry;
- (4) Which will obscure a road traffic sign or which may be mistaken for or cause confusion with or interfere with the functioning of a road traffic sign;
- (5) Any sign which may obstruct pedestrian traffic;
- (6) Which will obstruct any window or opening provided for the ventilation of a building or which obstructs any stairway or doorway of 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;
- (7) Any animated or flashing sign where the frequency or the animation's or flashes or other intermittent alterations of which disturbs the residents or occupants of any building or is a source of nuisance to the public;
- (8) Larger than 81m² or higher than 12,5m, if freestanding;
- (9) In electronic format larger than 18m²
- (10) Where the illumination disturbs the residents or occupants of any building or is a source of nuisance to the public;
- (11) Which swings and is not rigidly and permanently fixed;
- (12) On land not in accordance with the relevant zoning or approved consent use as per applicable Town planning Scheme;
- (13) Pasted otherwise than on an advertising structure legally erected for the purpose of accommodating such an advertisement;
- (14) Which, in the opinion of the CHIEF ALBERT LUTHULI MUNICIPALITY, is suggestive of anything indecent or may prejudice the public morals;
- (15) Which relates to a business which is conducted on an Erf or land which has not been rezoned for that specific purpose;

- (16) Which relates to cigarettes or other tobacco products on Council property;
- (17) On refuse removal sites / landfill sites;
- (18) On or against water towers and reservoir owned by Council;
- (19) Painted or erected on traffic circles, islands, medians or speed humps;
- (20) Banners and flags that advertise sales promotions or commercial products or events, or banners suspended across a road, affixed to a bridge spanning a road, placed on or against or attached to or otherwise supported by any transformer box, telegraph pole, tree, road traffic sign, electric light standard or other sign or object;
- (21) Any flag of a permanent nature or an inflatable sign in the road reserve;
- (22) Mounted on a trailer, bicycle or vehicle, which is stationery and positioned with the sole purpose of advertising;
- (23) For any estate agency containing any other words except the words 'For Sale', 'To Let', 'Sold' or 'On Show' and the name, logo, address and telephone number of the selling agent or letting agent;
- (24) Other than an exempted sign, for which neither a permit nor approval has been obtained;
- (25) Any sign which does not comply with the requirements of a specific type of sign as prescribed in this BY LAW.

CONTINUES ON PAGE 130 OF BOOK 2

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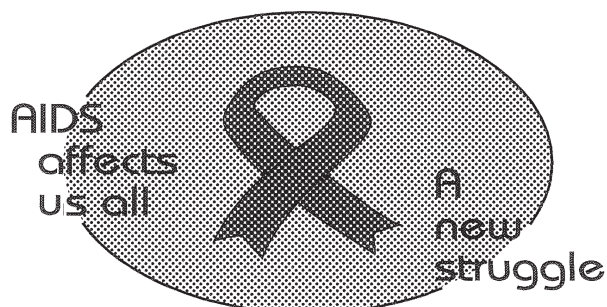
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PART 2 OF 2

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SCHEDULE A:**ADVERTISING SIGN CHARGES****Application fees and deposits for a licence/permit for outdoor advertising**

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; the charges are set out below:

1. A non-refundable application fee of R150.00 (One Hundred and Fifty Rand) must be tendered with each application for sign types 2 (ground signs), 3 (wall signs), 4 (roof signs) and 5 (veranda, balcony, canopy and under-awning signs). Any minor amendment to an application, considered by the duly authorised official of Council to be a minor amendment, may be submitted at a reduced application fee of R50.00 (Fifty Rand) each.
2. A non-refundable application fee of R450.00 (Four Hundred and Fifty Rand) must be tendered with each application for sign type 1 (billboards) and all non-locality bound signs in excess of 12m².
3. The approval fee for 1 and 2 is R40.00 (Forty Rand) per square meter of advertising display or part thereof with a minimum fee of R40.00 (Forty Rand) per application.
4. A non-refundable application fee of R50.00 (Fifty Rand) must be tendered with each application for advertisements for sign types 6 (posters, banners and flags).
5. On approval of posters, the applicant must purchase non-refundable stickers from the Council which are to be clearly visible on all posters displayed as follows:
 - (a) R1.00 (One Rand) per sticker to be paid for each poster to be displayed for non-profit bodies only. These posters must display the fundraising numbers of the bodies or a formal constitution has to be submitted to the Council. No commercial advertising and logos of sponsors will be permitted to appear on such posters;
 - (b) R2.50 (Two Rand and Fifty Cents) per sticker to be paid for each poster to be displayed for religious, sporting, social, cultural, political and other events. A subordinate percentage of commercial advertising and logos of sponsors is permitted to appear on such posters; or
 - (c) R5.00 (Five Rand) per sticker to be paid for each poster to be displayed for events considered by the Council or its duly authorised officials to be primarily of a commercial nature.
6. A non-refundable application fee of R600.00 (Six Hundred Rand) per annum or part thereof must be tendered with the annual application for sign type 7 (permanent); the maximum number of boards required at any given time to be specified in such application.
7. A non-refundable application fee of R50.00 (Fifty Rand) each per annum must be tendered with the annual application for sign type 7 (portable boards or any other collapsible structure).
8. A non-refundable application fee of R200.00 (Two Hundred Rand) must be tendered with each application for sign type 8 (aerial advertisements); adequate public liability insurance for the duration of display will also need to be furnished to Council's satisfaction.

9. A non-refundable application fee of R1 200.00 (One Thousand Two Hundred Rand) per annum or part thereof must be tendered with each annual application for any sign type 9 (advertising vehicles); a certified copy of the current vehicle licence will also need to be furnished.

10. An encroachment fee of R45/m² to be paid on approval of an application for each sign type that encroaches over Council property.

Note: The duration of approval for all advertising signs shall be at the Council's discretion.

B. Fines and penalties for offences and removal of advertising signs in terms of sections 9 and 14

1. Upon conviction of a first offence, the offender shall be liable to a fine or imprisonment for a period not exceeding 3 (three) months, or both the fine and imprisonment.

2. In the case of a continuing offence, the offender shall be liable to a further fine not exceeding R100.00 (One Hundred Rand) for every day during the continuance of such offence.

3. Upon conviction of a second or subsequent offence, the offender shall be liable to a fine or imprisonment for a period not exceeding 6 (six) months, or both the fine and imprisonment.

4. For the unauthorized display of sign types 6 (posters, banners or flags), the offender shall be liable to a fine or imprisonment for a period not exceeding 3 (three) months.

5. For the unauthorised display of sign types 7 (estate agents boards, portable boards or any other collapsible structure), the offender shall be liable to a fine or imprisonment for a period not exceeding 6 (six) months.

PROVINCIAL NOTICE 64 OF 2021
MPUMALANGA DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND
TRADITIONAL AFFAIRS

PUBLICATION OF MUNICIPAL BY- LAWS FOR LOCAL MUNICIPALITIES IN TERMS OF THE
LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT (ACT NO. 32 OF 2000)

I, Busisiwe Paulina Shiba, in my capacity as Member of the Executive Council responsible for Co-operative Governance and Traditional Affairs, in the Mpumalanga Province, hereby publish municipal by-laws Victor Khanye local municipality, in terms of Section 13 (a) and (b) of the Local Government: Municipal Systems Act (Act No. 32 of 2000)

The municipal by-laws are concerning the following matter, namely:

Victor Khanye Local Municipality

1. Water and Waste

Given under my hand at Mbombela, on 30 APRIL 2021



MRS B P SHIBA (MPL)
MEC: DEPARTMENT OF CO-OPERATIVE GOVERNANCE
AND TRADITIONAL AFFAIRS

PROVINCIAL NOTICE 65 OF 2021

**MPUMALANGA DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND
TRADITIONAL AFFAIRS****PUBLICATION OF MUNICIPAL BY- LAWS FOR LOCAL MUNICIPALITIES IN TERMS OF THE
LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT (ACT NO. 32 OF 2000)**

I, Busisiwe Paulina Shiba, in my capacity as Member of the Executive Council responsible for Co-operative Governance and Traditional Affairs, in the Mpumalanga Province, hereby publish municipal by-laws Msukaligwa local municipality, in terms of Section 13 (a) and (b) of the Local Government: Municipal Systems Act (Act No. 32 of 2000)

The municipal by-laws are concerning the following matter, namely:

Msukaligwa Local Municipality

1. Land Invasion
2. Municipal Waste

Given under my hand at Mbombela, on 30 April 2021



MRS B P SHIBA (MPL)
**MEC: DEPARTMENT OF CO-OPERATIVE GOVERNANCE
AND TRADITIONAL AFFAIRS**

LAND INVASION AND THE MANAGEMENT AND CONTROL OF INFORMAL SETTLEMENTS BY-LAW FOR MSUKALIGWA LOCAL MUNICIPALITY



The Municipal Council of Msukaligwa Local Municipality adopted the following by-law at its meeting held on the **27th of August 2020** under Council resolution number **LM 774/08/2020** in terms of Section 162 (1) of the Constitution of Republic of South Africa (Act No. 108 of 1996) and hereby publishes the by-law in terms of section 13 (a) of the Local Government: Municipal Systems Act, 2000 to come into effect on the date of publication hereof in the Provincial Gazette.

PREAMBLE

WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) confers on municipalities the executive authority and right to administer local government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS Part B of Schedule 4 of the Constitution lists municipal planning as a local government matter;

WHEREAS Section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS the Housing Act (Act 07 of 1997) was enacted to provide for the facilitation of a sustainable housing development.

WHEREAS the Prevention of Illegal Act (Act 19 of 1998) was enacted to provide for the prohibition of unlawful ejection and to provide for the eviction of unlawful occupiers.

NOW THEREFORE Msukaligwa Local Municipality has adopted this By-Law in terms of Section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) for promulgation as set out hereunder.

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1. DEFINITIONS

In this by-law, unless the context otherwise indicates –

“Allocate” means to assign a specific number to a site, stand or structure in an informal settlement for administrative purposes without granting any rights or security of tenure;

“Authorised Informal settlement” means any informal settlement which is recognised by the Municipality as an authorised informal settlement and which will be formalised and upgraded to a formal township by the Municipality through its housing policies and programmes;

“Authorised Official” means the authorised official appointed or assigned in terms of Section 3 of this By-Law;

“Consent” means the express or implied consent of the owner or person in charge to the occupation of land by a resident of a shack, irrespective of whether such consent was given in writing or otherwise;

“Contractual Agreement” means the contractual agreement entered into between the head of a household and the Municipality in terms of which the household is authorised to occupy a shack in an authorised informal settlement;

“Court” means any division of the High Court or the magistrate's court in whose area of jurisdiction the land is situated;

“Eviction” means the permanent removal, in accordance with the provisions of a court order, of a person and his or her personal property from occupation of a shack or the land on which the shack is constructed, and includes the demolition and removal from the land of any building materials used to construct the shack;

“Head of the household” means –

- (a) The *de facto* head of a household;
- (b) The single parent, where the household has only one parent with dependants living permanently with him or her in the household; and
- (c) Any person in the household who has legal capacity to act and is recognized by the majority of the other persons in the household as the person responsible for the maintenance of the welfare and discipline within the household;

“Informal Settlement” means one shack or more constructed on land, with or without the consent of the owner of the land or the person in charge of the land;

“Land” means any land or building within the area of jurisdiction of the Municipality, irrespective of whether such land belongs to the National Government, the Provincial Government, the Municipality or a private individual, company or other legal entity;

“Land Invasion” means the illegal occupation of any land or building or any settlement or occupation of any number of people on land or in a building without the express or tacit consent of the owner of the land or building or the person in charge of the land or building, or without any other right in law to settle on or occupy such land or building;

“Land Invasion Unit” means a group of officers or workers consisting of any combination of one or more of the following components:

- (a) Members of the South African Police Service;
- (b) Members of the Municipality's Public Safety Unit;
- (c) Members of the staff of the bailiff, sheriff or messenger of the court with jurisdiction in the area;
- (d) Members of a private security company contractually engaged by the Municipality to perform certain duties on its behalf; and
- (e) Any combination of employees of the Municipality, designated by the Municipality to assist the authorised official in the execution of his or her duties and to execute any eviction order contemplated by Section 5 to terminate an unauthorized informal settlement.

"Municipality" means Msukaligwa Local Municipality, established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"National Housing Needs Register" means the consolidated National Housing Needs Register that is the only official database from which prospective beneficiaries will be drawn and be invited to complete housing subsidy application forms.

"Owner" means the registered owner of land, irrespective of whether such owner is the National Government, the Provincial Government, the Municipality or a private individual, company or other legal entity;

"Person In Charge", in relation to land, means a person who has the legal authority to give permission to another person to enter or reside on that land;

"Shack" means any temporary shelter, building, hut, tent, dwelling or similar structure which does not comply with the provisions of the National Building Regulations and Building Standards Act, 1977 (act 103 of 1977), the regulations promulgated under that Act and the Municipality's Building Control By-laws and which is primarily used for residential purposes; and

"Unauthorized Informal Settlement" means any informal settlement which is not recognized by the Municipality as an authorised informal settlement and which will not be formalised and upgraded to a formal township by the Municipality through its housing policies and programmes, but will be demolished and removed in terms of this by-law.

2. APPLICATION, PRINCIPLES AND OBJECTIVES OF BY-LAW

- (1) This by-law applies to all land and informal settlements within the area of jurisdiction of the Municipality.
- (2) In principle it is recognised that:
 - (a) The municipality is faced with the continuous proliferation of informal settlements and land invasion, particularly within urban areas and at the periphery and that most of these informal settlements have developed through the invasion of Municipal, privately or state-owned land which makes service delivery implementation by the municipality difficult;
 - (b) The process of transferring such occupied land to the municipality is cumbersome and restricts the municipality from exercising its mandate in rendering basic services to the affected communities;
 - (c) Illegal influence to invade sites by individuals who plan and lead land invasions are prevalent

3. APPOINTMENT OF AUTHORISED OFFICIAL

The Municipality may appoint an official or assign one of its officials as its authorised official to manage and control all the informal settlements in accordance with the provisions of this by-law.

4. DUTIES OF THE AUTHORISED OFFICIAL

The authorised official must –

- (a) Conduct regular surveys to determine the location, origin and extent of and the conditions prevailing in each informal settlement;
- (b) Monitor and control all informal settlements and take the necessary steps to prevent land invasion within the area of jurisdiction of the Municipality;
- (c) Undertake and promote liaison and communication with local communities with a view to obtaining their understanding and cooperation regarding the prevention of land invasion in the area of jurisdiction of the Municipality;
- (d) Keep a register of all the residents who are entitled to reside in each authorised informal settlement, and in such register the following details must be entered in respect of each shack in each authorised informal settlement:
 - (i) The number allocated to the stand or site on which the shack is constructed;
 - (ii) The name and identity number of the head of the household who is entitled to occupy the shack;
 - (iii) The names, identity numbers and relationships to the head of the household of each and every other person occupying the shack as a member of the household;

- (iv) The shack's municipal services account (if available);
 - (v) The previous address of the household that is entitled to occupy the shack; and
 - (vi) The names, addresses and telephone numbers, if any, of at least two family members of the head of the household who do not live at the same address as the household that is entitled to occupy the shack;
- (e) Ensure that all the residents living in an authorised informal settlement are registered in the Municipality's National Housing Needs Register;
 - (f) Submit quarterly written reports on the control and management of any informal settlement, or the conditions prevailing in the informal settlement to the Municipality;
 - (g) For the purpose of informing residents of informal settlements, ensure that a copy of this by-law is posted on the municipal website, is available at the venue where the residents' committee contemplated in Section 6 usually holds its meetings and at municipal libraries and the office of the relevant ward councillor;
 - (h) Allocate to each site or stand in an authorised informal settlement a unique number as the temporary address of the site or stand and must ensure that such number is legibly painted or inscribed in a prominent place on the site or stand;
 - (i) Insure that no new unauthorised shacks are erected in any informal settlement and that no new unauthorised residents take up residence in such an informal settlement; and
 - (j) Perform any other duty or function which may be necessary to ensure the proper management and control of an informal settlement.

5. INCIDENTS OF LAND INVASION

- (1) The authorised official must, within a period of 24 hours after he or she becomes aware of an incident of land invasion or the existence of a newly established informal settlement, irrespective of whether such informal settlement was established as a consequence of an incident of land invasion or not -
 - (a) Commence with the process prescribed by the Municipality regarding the determination of the status of the informal settlement as an authorised or an unauthorised informal settlement;
 - (b) Complete the process contemplated in Subsection (1)(a) within 48 hours after commencement; and
 - (c) Inform the residents regarding the commencement of the process to determine the status of the informal settlement and that, depending upon the outcome of the determination, the informal settlement will be dealt with in accordance with Section 7 or Section 8, whichever is applicable in the circumstances.

- (2) In the event of the status of an informal settlement contemplated in Subsection (1) being determined as an authorised informal settlement, the authorised official must deal with the matter in accordance with the provisions of Section 7.
- (3) In the event of the status of an informal settlement contemplated in Subsection (1) being determined as an unauthorised informal settlement, the authorised official must deal with the matter in accordance with the provisions of Section 8.

6. RESIDENTS' COMMITTEES

- (1) A meeting of residents in each authorised informal settlement must be convened annually on a date and at a venue determined by the authorised official to elect a residents' committee comprising a chairperson, deputy chairperson, secretary and six ordinary members to represent the views and interests of the residents of the authorised informal settlement in all consultative processes between the Municipality and the residents of the authorised informal settlement.
- (2) A residents' committee contemplated in Subsection (1) and the authorised official, or his or her designated representative, must meet on a regular monthly basis, and at such meetings the Municipality must consult the residents' committee on all matters relating to the authorised informal settlement and communicate matters of general concern to the residents on a collective basis. After such meetings, it is the sole responsibility of the residents' committee to inform the individual residents of matters discussed at the meetings.
- (3) Special meetings of residents may be convened from time to time by a residents' committee contemplated in Subsection (1) to communicate with and inform the individual residents of matters relating to the authorised informal settlement.
- (4) A residents' committee contemplated in Subsection (1) must give notice of a meeting of the residents of the authorised informal settlement by placing the notice prominently on the official notice board at a venue whose location has been determined by the residents' committee and communicated to the residents at an official meeting of the residents.

7. PROCEDURES RELATING TO THE MANAGEMENT AND CONTROL OF AUTHORISED INFORMAL SETTLEMENTS

- (1) As soon as a determination of the status of an authorised informal settlement has been made and within the period contemplated in section 5(1), the authorised official must-
 - (a) Personally or through a subordinate official designated by him or her for that purpose, visit the informal settlement and notify the residents of the status of the authorised informal settlement in the manner contemplated in Section 6(2) or by means of a letter delivered to each shack in the informal settlement, whichever is appropriate in the circumstances;
 - (b) Compile a comprehensive register of all the residents who are entitled to reside in the authorised informal settlement contemplated in Subsection (1), and the details set out in Section 4(d) must be entered in respect of each shack in the authorised informal settlement;

- (c) Ensure that the names, addresses and other relevant details of all the household heads living in an authorised informal settlement contemplated in Subsection (1) are registered in the Municipality's National Housing Needs Register list;
 - (d) Allocate to each site or stand in an authorised informal settlement contemplated in Subsection (1) a unique number as the temporary address of the site or stand and must ensure that the number is legibly painted or inscribed in a prominent place on the site or stand; and
 - (e) Ensure that no new unauthorised shacks are constructed in the authorised informal settlement contemplated in Subsection (1) and that no new unauthorised residents take up residence in the authorised informal settlement by implementing appropriate measures to manage, monitor and control the occupancy of residents in the authorised informal settlement in general.
- (2) Any unauthorised occupancy in an authorised informal settlement contemplated in Subsection (1) must be dealt with in accordance with the provisions of Section 8.
 - (3) In respect of an authorised informal settlement contemplated in Subsection (1), the authorised official must ensure that -
 - (a) The Municipality's Finance directorate institutes, operates and maintains an appropriate account for services rendered by the Municipality to each registered shack in the authorised informal settlement and for any charges levied for the right of occupation of a particular site or stand in the authorised informal settlement; and
 - (b) Such an account is supplied to the head of the household of each registered shack in the authorised informal settlement.

8. PROCEDURES RELATING TO THE TERMINATION OF UNAUTHORISED INFORMAL SETTLEMENTS

- (1) As soon as a determination of the status of an unauthorised informal settlement has been made, the authorised official must, personally or through a subordinate official designated by him or her for that purpose, visit the informal settlement and notify the residents of the status of the unauthorised informal settlement by means of a written notice hand-delivered to each shack in the informal settlement.
- (2) The written notice contemplated in subsection (1) must -
 - (a) Notify the residents of a shack in the unauthorised informal settlement that their occupation of the shack and the site or stand on which it is situated is illegal; and
 - (b) Request the residents of the shack to vacate the shack and remove any building materials and other personal property from the unauthorised informal settlement within a period of 24 hours after receipt of the written notice.
- (3) If the residents notified in terms of Subsection (1) cooperate and vacate their shacks and remove their building materials and other personal property from the site or

stand in the unauthorised informal settlement, the authorised official must take such steps as he or she may deem appropriate to prevent a recurrence of any incident of land invasion or illegal land occupation on that site, stand or unauthorised informal settlement and must regularly monitor the situation to ensure

- (4) If the residents notified in terms of Subsection (1) fail to cooperate and vacate their shacks and remove their building materials and other personal property from the site or stand in the unauthorised informal settlement, the authorised official must immediately institute the necessary legal procedures to obtain an eviction order contemplated in Subsection (5).
- (5) Within a period of 24 hours after the expiry of the period stipulated in the written notice contemplated in Subsection (1), the authorised official must lodge an application in a competent court to obtain an eviction order contemplated in section 4, 5 or 6 of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act 19 of 1998), against any person or persons, jointly or severally, occupying or residing in a shack or on a site or stand in the unauthorised informal settlement.
- (6) The authorised official must, within a period of 24 hours after obtaining the eviction order referred to in Subsection (5), deploy the Land Invasion Unit to execute the eviction order and to terminate the unauthorised informal settlement by -
 - (a) Evicting the residents of the unauthorised informal settlement;
 - (b) Demolishing and removing all shacks and removing all building materials and other personal property from the unauthorised informal settlement; and
 - (c) Disposing of the building materials and other personal property in accordance with the provisions of this by-law.
- (7) Any costs incurred by the authorised official for the purposes of executing the provisions of this by-law must be borne by the Municipality in accordance with its approved budget.

9. REMOVAL AND DISPOSAL OF BUILDING MATERIALS AND PERSONAL PROPERTY

- (1) In the execution of the provisions of Section 8(6), any building materials and other personal property belonging to a resident or occupier of a shack in an unauthorised informal settlement must be removed and stored in a safe place by the authorised official.
- (2) The authorised official must compile and maintain a register in which the following information is recorded -
 - (a) Particulars of all building materials or other personal property removed and stored in terms of this by-law, save where it is manifest that the item is waste material;
 - (b) The date of the removal and storage of building materials or other personal property in terms of Subsection (1) and the name of the owner of the building materials or personal property; and

- (c) The signature or left thumb print of the person who is claiming ownership of building materials or other personal property;
- (3) The authorised official must photograph all material removed and record the place, date, and time of removal and record it by.
- (4) Officials deployed to perform the exercise must be clearly identifiable as officials of the Municipality, and a log must be kept of the name of every official who is present at every such exercise.
- (5) When intent on removing material from a public place, officials must make reasonable enquiries in the immediate vicinity as to the presence of possible claimants of the material sought to be removed, and if they can be located, and their identity confirmed, and they can demonstrate, convincingly, that that any item is their belongings, they must:
- (a) be put in possession of all items that they are able to carry away; or
- (b) be invited to call at a designated place during office hours to collect the balance of their claimed possessions, which shall, in the inventory, be so recorded, and the items tagged.
- (6) All such items removed must be kept in a designated place for not less than 30 days.
- (7) A notice must be displayed at the place from which the materials were taken and it must contain information about where the material is being kept, for how long, and the procedure to retrieve any items, the name of the official responsible for the safekeeping of the material, and that person's telephone number and e-mail address.
- (8) If the building materials and other personal property contemplated in Subsection (1) are not claimed by their owner within a period of thirty days after the date of the removal and storage, the Municipality may, after obtaining a court order authorizing such action, dispose of the building materials and personal property in a manner prescribed by the court and the proceeds must be deposited into the Municipality's Revenue Account.
- (9) Employees and councillors of the municipality, or a family member, or a close associate of any municipal employee or councillor, may not purchase any goods offered for sale in terms of this by-law, either personally or through any other person, directly or indirectly.
- (10) Neither the municipality nor any of its officials acting within the reasonable scope of their authority are liable for any loss of or damage to property or injury to any resident or occupier of a shack in an unauthorised informal settlement or any other person for any reason whatsoever.

10. PROHIBITED CONDUCT

- (1) No person may –
- (a) Individually or as part of a group –
- (i) Clear any land of any vegetation without the prior written consent of the owner;

- (ii) Invade or occupy any land to which he or she does not have lawful title;
 - (b) Erect a structure on any land to which he or she does not have lawful title;
 - (c) Continue with the construction of an incomplete structure after a written warning to stop construction was issued by the municipality;
 - (d) Demarcate or continue to demarcate any piece of land with any form of material, including, but not restricted to string, rope, pegs, stones, pebbles, wire, wood or any other material after a written warning to stop any form of demarcation was issued by the municipality;
 - (e) Move or remove any demarcation or surveying pegs affixed in terms of any law;
 - (f) Without the written consent of the municipality allow, encourage, motivate, organise or instigate the occupation of any land;
 - (g) Move furniture into an informal structure in order to defeat the provisions of any law;
 - (h) Without the written consent of the municipality allow a shack or structure to be unoccupied for more than 3 months;
 - (i) Erect any additional shack or structure on a site in any existing informal settlement or reception area;
 - (j) Lease any additional shack or structure on a site in any existing informal settlement or reception area;
 - (k) Access land in contravention of a sign prohibiting such access;
 - (l) Occupy a structure on any land to which he or she does not have lawful title;
 - (m) Sell any land or structure on any land to which he or she does not have lawful title; or
 - (n) Interfere with or obstruct an authorised officer in the execution of his or her duties in terms of this by-law.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

11. EXISTING INFORMAL SETTLEMENTS

- (1) Where an existing informal settlement has been provided with rudimentary services by the municipality or where the municipality allocated a number to a structure or a

stand, such supply of services or such allocation of a number does not amount to the granting of any right to any person to permanently reside on such land.

- (2) The numbering of a stand or a structure does not itself in any manner mean that the yard fenced in or on which a shack or building has been erected and so numbered is a surveyed stand.
- (3) The occupant of a shack or structure contemplated in Subsections (1) and (2) has no right to the land and cannot claim ownership of the land on whatever, basis including the period of occupation of such land and this include cases where money has been exchanged with whomever under the pretext that land acquisition is being effected by such transaction.

12. DUTIES OF WARD COUNCILLORS AND WARD COMMITTEE MEMBERS

- (1) Ward councillors and ward committee members must report all cases of illegal occupation of land within their wards of which they are aware or of which they should reasonably be aware, whether it is council property or not, to the authorised official.
- (2) Any person who contravenes the provisions of Subsection (1) is guilty of an offence.

13. RESTRICTION OF LIABILITY

No authorized employee of the municipality shall be liable in respect of anything done in good faith in the exercise of a power or the performance of a duty conferred or imposed in terms of this by-law.

14. APPEAL

- (1) A person whose rights are affected by a decision of the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of Section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.
- (2) Any person making a decision or exercising a discretion in terms of this by-law must inform any person affected by such decision or exercise of discretion that he or she has a right to appeal in terms of Subsection (1).

15. REPEAL OF BY-LAWS

The provisions of any by-laws previously promulgated by the municipality are hereby repealed as far as they relate to matters provided for in this by-law.

16. SHORT TITLE AND COMMENCEMENT

This by-law shall be known as the Land Invasion and the Management and Control of Informal Settlements By-law for Msukaligwa Local Municipality and comes into operation on the date of publication thereof in the Provincial Gazette.

PROVINCIAL NOTICE 66 OF 2021

NOTICE**MPUMALANGA GAMING ACT, 1995 (ACT 5 OF 1995) AS AMENDED
APPLICATION FOR CONSENT FOR PROCUREMENT OF INTEREST IN A SITE OPERATOR LICENSE**

Notice is hereby given that Anthony Molefe Mashego Identity Number 7312315280083 intends submitting an application for the Procurement of Interest in Phoenix Hotel Restaurant CC trading as Phoenix Restaurant to the Mpumalanga Economic Regulator on 18 June 2021. 1. The purpose of the application is to obtain consent for the procurement of 100% interest in Phoenix Hotel Restaurant CC (registration number 2008/037093/23). 2. The applicant's site premises (business) is located at: 20 Pilgrim Street, Barberton, Mbombela, Ehlanzeni, Mpumalanga. 3. The owners and/or managers of the site are as follows: Mr. AM Mashego. There are no proposed changes to the license conditions. The application will be open for public inspection at the Offices of the Mpumalanga Economic Regulator at First Avenue, White River, Mpumalanga, South Africa, 1240, ceo@mer.org.za from 18 June 2021. Attention is directed to the provisions of Section 26 of the Mpumalanga Gaming Act, 1995 (Act No.5 of 1995) as amended, which makes provision for the lodging of written objections in respect of the application. Such objections should be lodged with the Chief Executive Officer, Mpumalanga Economic Regulator, First Avenue, Private Bag X9908, White River, South Africa, 1240, ceo@mer.org.za within 30 days from the aforementioned public inspection period.

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**LOCAL AUTHORITY NOTICE 47 OF 2021****MKHONDO LOCAL MUNICIPAL
PROPERTY RATES BY-LAW**

Notice No. 01/2021

Date 31/05/2021

Mkhondo Local Municipality, hereby in terms of section 6 of the Local Government: Municipal Property Rates Act 2004, has by way of resolution No: 21/05/487A adopted the Municipality's Property Rates By-law set out hereunder.

**MKHONDO LOCAL MUNICIPALITY
MUNICIPAL PROPERTY RATES BY-LAW**

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1. PREAMBLE

- 1.1. Section 229(1) of the Constitution requires a municipality to impose rates on property and surcharges on fees for the services provided by or on behalf of the municipality.
- 1.2. In terms of Section 3 of the Municipal property rates Act, the municipal council must adopt a policy consistent with the Property Rates Act on the levying of rates on rateable property in the municipality.
- 1.3. Section 13 of the Municipal Systems Act read with section 162 of the Constitution require a municipality to promulgate municipal by-laws by publishing them in the gazette of the relevant province.
- 1.4. Section 6 of the Local Government: Municipal Property Rates Act, 2004 requires a municipality to adopt by-laws to give effect to the implementation of its property rates policy; the by-laws may differentiate between the different categories of properties and different categories of owners of properties liable for the payment of rates.

2. DEFINITIONS AND INTERPRETATIONS

In this by-law, any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), shall bear the same meaning unless the context indicates otherwise.

‘Municipality’ means Mkhondo Local Municipality.

‘Property Rates Act’ means the Local Government: Municipal Property Rates Act, 2004 (Act No 6 of 2004);

‘Property Rates Policy’ means the policy on the levying of rates on rateable properties of Mkhondo Local Municipality, contemplated in chapter 2 of the Municipal Property Rates Act.

“Credit Control and Debt Collection By-Law and policy” this means the council’s Credit Control and Debt Collection By-Law and policy as required by Section 96(b), 97 and 98 of the Municipal Systems Act 32 of 2000.

Rate or Rates; this means a municipal rate on property as envisaged in Section 229 of the constitution.

3. OBJECTS

The object of this by-law is to give effect to the implementation of the Rates Policy as contemplated in section 6 of the Municipal Property Rates Act.

4. ADOPTION AND IMPLEMENTATION OF RATES POLICY

- a. The Municipality shall adopt and implement its Rates Policy consistent with the Municipal Property Rates Act on the levying of rates on rateable property within the jurisdiction of the municipality; and
- b. The Municipality shall not be entitled to levy rates other than in terms of its Rates Policy.

5. CONTENTS OF A RATE POLICY

The Rates Policy shall, *inter alia*:

- a. Apply to all rates levied by the Municipality pursuant to the adoption of its Annual Budget;
- b. Comply with the requirements for:
 - i. the adoption and contents of a rates policy specified in section 3 of the Municipal Property Rates Act;
 - ii. the process of community participation specified in section 4 of the Municipal Property Rates Act; and

- iii. the annual review of a Rates Policy specified in section 5 of the Act.
- c. Provide for principles, criteria and implementation measures that are consistent with the Municipal Property Rates Act for the levying of rates which the Council may adopt; and
- d. Provide for enforcement mechanisms that are consistent with the Municipal Property Rates Act and the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

6. ENFORCEMENT OF THE RATES POLICY

The Municipality's Rates Policy shall be enforced through the Credit Control and Debt Collection By-Law and Policy and any further enforcement mechanisms stipulated in the Act and the Municipality's Rates Policy.

7. SHORT TITLE AND COMMENCEMENT

This By-law is called the Municipal Property Rates By-law, and takes effect on 1 July 2021.



Notice No. 01/2021

Date 31/05/2021

MUNICIPAL NOTICE NO: 1 of 2021**MKHONDO LOCAL MUNICIPALITY****RESOLUTION LEVYING PROPERTY RATES FOR THE FINANCIAL YEAR 1 JULY 2021 TO 30 JUNE 2022**

Notice is hereby given in terms of section 14(1) and (2) of the Local Government: Municipal Property Rates Act, 2004; that at its meeting of 26/May/2021, the Council resolved by way of council resolution number 21/05/487A, to levy the rates on property reflected in the schedule below with effect from 1 July 2021.

CATEGORY		2021/22	Rate Ratio
RES	Residential properties	0.0121117	1:1
AGR	Agriculture properties used for agricultural purposes	0.003028	1:0.25
BUS	Business and Commercial properties	0.012552	1:1.03
PSP	Properties owned by the organ of state and used for Public Service Purpose	0.012552	1:0.25
IND	Industrial properties	0.012552	1:1.03
INF	Informal settlements	ZERO	0
MIN	Mining properties	0.012552	1:1.03
MUN	Municipal properties	ZERO	0
PBO	Public Benefit Organisation	0.003028	1:0.25
PSI	Public Service Infrastructure	0.003028	1:0.25
VAC	Vacant land	0.021821	1:1.80
WOR	Place of worship	ZERO	0

EXEMPTIONS, REDUCTIONS AND REBATES

Residential Properties: For all residential properties, the municipality will not levy a rate on the first R58000 of the property's market value. The R58000 is inclusive of the R15 000 statutory impermissible rate as per section 17(1)(h) of the Municipal Property Rates Act. In addition a 20% rebate is granted to all residential Properties.

Public Service Infrastructure: The first 30% of the market value of the public service infrastructure is exempted in terms of section 17(1)(a) of the MPRA.

Rebates in respect of a category of owners of property are as follows:

Category Of Owner	Income bracket	Percentage Rebate
A pensioner	R0-R 3780(State pension x2)	100%
	R3781-R6000	80%
	R6001-R9000	50%
Retiree	R0-R 3780	100%
	R3781-R6000	80%
	R6001-R9000	50%
Persons temporarily without income	R0	100%
Disabled persons	R0-R 3780	100%
	R3781-R6000	80%
	R6001-R9000	50%
Indigent persons	R0-R 3780	100%
Owners of property in an area affected by a disaster	R0-R 3780	100%
	R3781-R6000	80%
	R6001-R9000	50%
Child Headed Households	R0-R 3780	100%
	R3781-R6000	80%
	R6001-R9000	50%

Full details of the Council resolution and rebates, reductions and exclusions specific to each category of owners of properties or owners of a specific category of properties as determined through criteria in the municipality's rates policy are available for inspection on the municipality's offices, website (www.mkhondo.gov.za) and all public libraries.

MR. M KUNENE
MUNICIPAL MANAGER

Physical address

Cnr Market and De Wet Street
PIET RETIEF

Postal address

PO Box 23
PIET RETIEF
2380

Contact Number

017 285 0298

LOCAL AUTHORITY NOTICE 59 OF 2021



9 Park Street - Malalane
Private Bag X101
Malalane,
1320
Tel: (013) 790 0245
Fax: (013) 790 0886
Customer Care No. (013) 790 0990
www.nkomazi.gov.za

1.1 TARRIF SCHEDULE

1.1.1 Property rates tariffs

Nkomazi Local Municipality hereby gives notice in terms of section 14(1)(2) and sections 2, 7, 8 of the Local Government: Municipal Property Rates Act 6 of 2004, read with Sections 4(1)(c)(ii) and 11(3)(i) and 75A of the Local Government: Municipal Systems Act 32 of 2000, that by way of council resolution number **NLM: GCM: A039/2021**, the following rates in the rand be levied for the financial year **1 July 2021 to 30 June 2022**, on the market value of property or on the market value of a right in property within the area of jurisdiction of the Council as appearing in the valuation roll, in respect of the various categories of properties set out below:

ASSESSMENT RATES	Ratio	Approved 2020/2021	Approved 2021/2022
Residential	1	0.00920	0.00956
Industrial	2	0.01840	0.01912
Business and Commercial	2	0.01840	0.01912
Farms – Agriculture	0.25	0.00230	0.00239
Farms – Commercial	2	0.01840	0.01912
Farms – Residential	1	0.00920	0.00956
Farms – Other	0.25	0.00230	0.00239
State Owned Properties	2	0.01840	0.01912
Municipal Properties	2	0.01840	0.01912
Public Services Infrastructure (PSI)	0.25	0.00230	0.00239
Smallholdings – Agriculture	0.25	0.00230	0.00239
Smallholdings – Commercial	2	0.01840	0.01912
Smallholdings – Residential	1	0.00920	0.00956
Smallholdings – Other	0.25	0.00230	0.00239
Informal Settlements	1	0.00920	0.00956
Mining and Quarries	2	0.01840	0.01912
Vacant Land	0.25	0.00230	0.00239
Protected Areas	1	0.00920	0.00956
National Monuments	1	0.00920	0.00956
Multiple Purpose	2	0.01840	0.01912

The rates levied in terms of paragraph 1 above **SHALL BECOME DUE AND PAYBLE** in twelve equal instalments on fixed days for twelve consecutive months, these being the due date stipulated in the account sent to the ratepayer.

Interest at the prime rate plus 1% of the Nkomazi Local Municipality's bankers (currently **Standard Bank Ltd**) will **BE CHARGED** per month or part thereof on all arrear assessment rates at the applicable interest rate, adjusted quarterly as specified in Schedule E - Tariffs for Financial Services.

In terms of Section 15(1)(b) of the Act read with Council's Property Rates Policy, the Council grants, the following reduction in market value and rebates on the rate levied for the financial year **2021/2022** to any owner of rateable property in the following circumstances:

- a) That in terms of section 17(h) of the Municipal Property Rates Act, No. 6 of 2004, the impermissible value of the market value of a property assigned to the residential category in the valuation roll or supplementary valuation roll, **BE DETERMINED** as **R 15 000**.
- b) Indigent **household** – Owner of residential property, registered in terms of Council's approved indigent policy, **BE EXEMPTED** from paying of property rates.
- c) **Child headed households** – That a child headed household registered in terms of Council's approved indigent policy, **BE EXEMPTED** from paying of Property Rates.
- d) **Age / Pensioners reduction, Disability grantees and medically boarded persons** – That in addition to the reduction in a) above and subject to requirements as set out in Council's Rates Policy, an additional reduction of **R15, 000.00** on the market value of residential property owned by person older than 60 years of age or registered as "Life right use" tenant in deeds office (Age /Pensioner reduction), disability grantees and medically boarded persons **BE GRANTED**.
- e) **Aged / Pensioners rebate, Disability grantees and medically boarded persons** – That in addition to the reduction in a) and d) above, an additional rebate **BE GRANTED** in respect of sliding scale based on average monthly earnings.

The applicant must:

- i. be the registered owner of the property or registered as "Life right use" tenant in deeds office.
- ii. produce a valid identity document;
- iii. must be at least 60 years of age upon application, provided that where couples are married in community of property and the property is registered in both their name, the age of the eldest will be the qualifying factor, **or** approved disability grantee **or** approved medically boarded person;
- iv. not be in receipt of an indigent assessment rate rebate;
- v. must reside permanently on the property concerned which consists of one dwelling only and no part thereof is sub-let;
- vi. confirm the aforementioned details by means of a sworn affidavit and / or latest income tax assessment.

Average Monthly earnings I respect of preceding 12 months	
R0.00 to R3780.00 (2x state pensions when amended)	100% rebate on assessment rates
R3350.01 to R5330.00	85% rebate on assessment rates
R5330.01 to R6,830.00	70% rebate on assessment rates
R6.830.01 to R8,330.00	55% rebate on assessment rates
R8,330.01 to R12,330.00	40% rebate on assessment rates

- vii. On approval, the following rebates will be applicable
- viii. That the minimum “average monthly earnings” be adjusted annually and effective in accordance with National Government Budget announcement in respect of state pensions.
- f) **Municipal** – That non-trading service **BE EXEMPTED** from paying of property rates.
- g) **Sporting Bodies** - used for the purposes of amateur sport and any social activities which are connected to sport: **40% REBATE** in respect of the amount levied as rates on the relevant property but subject to existing agreements between club and Council not determining a different position.
- h) **Welfare organisations** - registered in terms of the National Welfare Act, 1978 (Act No. 100 of 1978), **BE REBATED 100%** in respect of the amount levied as rates on the property.
- i) **Public benefit organizations/Non-Governmental Organisations (NGO's) and Cultural Organisations**- approved in terms of section 30 of the Income Tax Act 58 of 1962, read with Items 1, 2 and 4 of the Ninth Schedule to that Act, **BE REBATED 100%** in respect of the amount levied as rates on the property.
- j) **Protected areas/nature reserves/conservation areas** – That protected areas/nature reserves/conservation areas **BE EXEMPTED** from paying of Property Rates.
- k) **Private schools, Universities, Colleges and Crèches**
 - i. Private (Independent) primary and secondary schools (regardless of whether subsidized or not), registered as educational institutions, **BE REBATED** at **40%** in respect of the amount levied as rates on the relevant property, subject to prior application and submission of prior years' audited financial statements.
 - ii. Private (Independent) Universities and colleges, registered as educational institutions not subsidized by state, **20% BE REBATED** in respect of the amount levied as rates on the relevant property
 - iii. Crèches, registered as educational institutions, **40% BE REBATED** in respect of the amount levied as rates on the relevant property.
- l) **Vacant unimproved stands** - That a **50% rebate BE GRANTED** on residential property on which a dwelling unit(s) is/are being constructed and which will be used exclusively for that purpose, subject to the following conditions
 - i. That an approved building plan is supplied;
 - ii. That a residential dwelling unit(s) be constructed on the property;
 - iii. That the 50% rebate be granted for a maximum period of twenty four (24) months from the date the approved building plan was supplied;
 - iv. That the occupation certificate be supplied at the end of the twenty four (24) month period;
 - v. That the failure to supply the occupation certificate will result in a reversal of the 50% rebate already granted; and



- vi. That in the event that the said property is sold prior to the issue of the occupation certificate, the rebate already granted be reversed.

m) **Special rebate – COVID -19**

As part of municipal property tax relief programme, an additional 3% rebate will be provided on billed property rates for 2021-2022 financial year.

n) **Businesses – New Businesses**

Private own towns – Phase in 3 years 75% - 50% - 25%

Residential – Consolidated or Notarial Tide - 2 stands: 20%

-3 stands : 30%

- 4 Stands : 40%

o) **Additional rebates**

Improved Residential 15%

Business 10%

State owned 5%

PSI 5%

Rebates in respect of items 4b) to m), but excluding f)- Municipal and j) - Protected areas/nature reserves/conservation areas, **BE SUBJECT** to the submission and approval of required application.

1.1.2 Electricity tariffs

<u>ELECTRICITY</u>	Approved 2020/2021 R	Proposed 2021/2022 (Subject to NERSA's approval) R
Basic charge Residential	177.40	212.53
Energy charge Residential Kwh	1.62	1.94
Basic charge Business <70 Amp (single phase)	566.86	679.10
Energy charge Business <70 Amp (single phase)	1.88	2.25
179Basic charge Business <150 Amp (three phase)	978.20	1,171.88
Energy charge Business <150 Amp (three phase)	1.76	2.10
Basic charge Business >150 Amp (three phase)	1,495.64	1,791.78
Demand charge Business >150 Amp (KVA three phase)	227.73	272.82

Energy charge Business >160 Amp (three phase)	1.16	1.39
Domestic Prepaid Tariff	1.88	2.26

1.1.3 Water Tariffs

WATER	Approved 2020/2021 R	Proposed 2021/2022 R
Basic charge	100.00	100.00
Water Residential consumers 0-6 kl	Free	Free
Water Residential consumers 6-25 kl	7.77	8.23
26-40 kl	8.54	9.05
41-60 kl	9.41	9.97
61 and more	10.37	10.98
Water Business consumers	15.08	15.97
Water tanker services per 5000 liter	514.96	545.34
MARLOTH PARK - Basic Charge	38.10	40.35

1.1.4 Sanitation Tariffs

SANITATION	Approved 2020/2021 R	Proposed 2021/2022 R
Sewerage Fixed charge (1st 2 points)	244.57	259.00
Sewerage (Additional Points) per point	92.04	97.47
Available charge – Empty stands	10.65	11.28
Sewerage charge M'hlatikop per kl	4.86	5.14
Sewerage Fixed Charge 1-2 points Hectorspruit	111.40	117.97
Sewerage add. Points Hectorspruit per point	55.21	58.47
Chemical toilet per day	1,352.32	1,432.11
Sewerage dumping per load - Honey Sucker	1,312.38	1,389.81
Sewerage dumping per load private	181.87	192.60

1.1.5 Refuse Tariffs

REFUSE	Approved 2020/2021	Proposed 2021/2022
Refuse Residential once a week services	84.59	89.58
Refuse Residential twice a week services	170.75	180.83
Refuse Residential Rural once a week services	40.88	43.29
Refuse Business once a week services	112.84	119.50
Refuse Business twice a week services	269.66	285.57



Business - (one container)	260.17	275.52
- 1.75cubic meters (20 containers)	5,204.29	5,511.35
- 2.5cubic meters (29 containers)	6,516.53	6,901.00
Public Institutions Schools/Clinics	214.59	227.25
Clearing Grass and Bushes on Open Stands	1,634.49	1,730.92
Clearing of General Waste on Open Stands	1,149.69	1,217.52
Removal of Building Rubble	1,149.69	1,217.52
Removal of Garden Refuse	651.03	689.44
Cutting of Large Trees	651.03	689.44



1.1.6 Other Tariffs

CONSUMER DEPOSITS	Approved 2020/2021 R	Proposed 2021/2022 R
Water/electricity (Residential)	1,597.50	1,691.75
Water deposit Marloth Park	532.50	563.92
Water/electricity (Business)	10,650.00	11,278.35

Details	Approved 2020/2021 R	Proposed 2021/2022 R
BUILDING PLAN FEES	13.6533 Per sqm	14.4861513 per sqm
PAVEMENT DEPOSIT	1,275.50	1,350.75

TOWN PLANNING CATEGORY 1 LAND DEVELOPMENT APPLICATIONS	Approved 2020/2021 R	Proposed 2021/2022 R
Division of farm land	4,349.71	4,606.35
Reason for decision of municipal planning tribunal, land development officer or appeal authority	2,005.28	2,123.59
Rezoning:		
(a) One Erf	5,772.10	6,112.65
(b) Every erf Additional to the First Erf per Erf	626.86	663.85
Establishment of a township	14,197.86	15,035.54
Amendment of a township establishment application:	-	-
(a) If already approved by the Municipality	14,197.86	15,035.54
(b) If not already approved by the Municipality	4,307.54	4,561.68
Sub-division of land:	-	-
(a) For first five (x5) erven	590.60	625.44
(b) Six (x6) plus erven	78.22	82.84
Consolidation of Land	590.60	625.44
	-	-
Consent Use	1,462.30	1,548.57
Certificates:	-	-
(a) Zoning Certificates per Certificate	163.01	172.63
(b) Any Other certificate per Certificate	163.01	172.63
Division of township	14,197.86	15,035.54
Phasing/cancellation of approved layout plan	1,805.77	1,912.31
Removal, amendment, suspension of a restrictive or obsolete condition, servitude or reservation against the title of the land	702.81	744.28
Amendment or cancellation of a general plan of a township	1,989.40	2,106.77
Permanent closure of a public place per closure	601.93	637.44
Development on communal land	5,772.81	6,113.41
Material amendments to original application prior to approval/refusal	50% of original	50% of original application fee

Details	Approved 2020/2021 R	Proposed 2021/2022 R
CATEGORY 1 LAND DEVELOPMENT APPLICATIONS		
Sub-division of land provided for in land use scheme or town planning scheme	590.60	625.44
Consolidation of land	590.60	625.44
Subdivision and consolidation of land	590.60	625.44
Consent use	1,462.30	1,548.57
The removal, amendment or suspension of a restrictive title condition relating to the density of residential development	702.81	744.28
Temporary use: prospecting rights	1,462.29	1,548.57
Tempoorary use: other rights	872.84	924.34
Material amendements to original application prior to approval/refusal	50% of original application fee	50% of original application fee
CATEGORY 2 LAND USE APPLICATIONS		
Sub-division of land provided for in land use scheme or town planning scheme	590.60	625.44
Consolidation of land	590.60	625.44
Subdivision and consolidation of land	590.60	625.44
Consent use	1,462.30	1,548.57
The removal, amendment or suspension of a restrictive title condition relating to the density of residential development	702.81	744.28
Temporary use: prospecting rights	1,462.29	1,548.57
Tempoorary use: other rights	872.84	924.34
Material amendements to original application prior to approval/refusal	50% of original application fee	50% of original application fee
MISCELLANEOUS FEES		
Erection of a second dwelling	1,343.27	1,422.52
Relaxation of height restriction	1,372.74	1,453.73
Relaxation of building line	1,351.21	1,430.93
Consideration of site development plan	1,351.21	1,430.93
Extension of validity period of approval	1,351.21	1,430.93
Public hearing and inspection	3,945.93	4,178.74
Re-issuing of any notice of approval of any application	291.33	308.51
Deed search and copy of the title deed	184.77	195.67
Public Notice:		
(a) Public Notice and advertisements in the legal section of the paper.	1,805.76	1,912.30
(b) Public Notice and advertisements in the body in the body of the paper	3,251.05	3,442.87
Way leave application (application to determine where the council's services are located or a specific area where new services are to be installed)	2,867.83	3,037.03
Any other application not provided for elsewhere in this schedule of fees	3,945.93	4,178.74
COPIES		
Spatial Development Framework	-	-
(a) Hard Copy per region	197.24	208.88
(b) In electronic format per region	92.95	98.44
Copy of the Land Use Scheme or Town Planning Scheme (Scheme Book)	454.56	481.38
Scheme Regulations per set	756.09	800.69
Search fees per erf	30.61	32.41
Diagrammes per diagramme	30.61	32.41

Details	Approved 2020/2021 R	Proposed 2021/2022 R
SUNDRY TARIFFS:		
1. Reason for Council's decision	1,812.85	1,919.81
2. Building relaxations Fees	1,431.11	1,515.55
3. General information (written)	23.15	24.52
4. Building Inspections: Swimming pools	267.98	283.79
5. Sub Division of Stand – service contribution (civil)	13,526.78	14,324.86
Details	Approved 2020/2021 R	Proposed 2021/2022 R
ESTATES & BUILDINGS : RENTAL		
Entrance Fees:		
Henk van Rooyen Park Property Owner	Free	Free
Non Property Owner	82.05 per person	87.05 per person
Rental Recreation Centre Lionspruit	202.15 per day	214.48 per day
Non Property Owner	97.15	102.88
Safari Game Vehicles	302.28	320.11
Season Tickets - Property Owner (1 st ticket)	Free	Free
	Approved 2020/2021 R	Proposed 2021/2022 R
CEMETERIES		
URBAN		
Burial Fees:		
Within jurisdiction - Adults	1239.34	1,312.46
Nl. (Kaapmuiden) - Children	812.91	860.87
(Malelane & Hectorspruit) - Internment in one grave – additional	357.34	378.42
Outside jurisdiction - Adults	1489.80	1,577.70
- Children	988.89	1,047.24
Enlargement of Grave	248.30	262.95
Reserving Graves:	0.00	-
Per grave per person resident in jurisdiction at time of decease	620.75	657.37
Per grave per person NOT resident in jurisdiction at time of decease	1113.03	1,178.70
Per niche	371.37	393.28
Wall of Remembrance:	0.00	-
Per single niche, per single emplacement	620.75	657.37
Per Double niche, per double emplacement	1113.03	1,178.70
Memorial Stones:	0.00	-
Consent for erection of memorial stone	357.34	378.42
Re-opening of Graves	620.75	657.37
RURAL		
Burial Fees:		
In jurisdiction - Adults	198.64	210.36
Nl. (Kamhlushwa) - Children	88.57	93.80
- Internment in one grave – additional	61.54	65.17
Outside jurisdiction - Adults	248.30	262.95
- Children	151.13	160.05
Enlargement of Grave	63.69	67.45
Reserving Graves:	0.00	-
Per grave per person resident in jurisdiction at time of decease	620.75	657.37
Per grave per person NOT resident in jurisdiction at time of decease	1113.03	1,178.70
Memorial Stones:	0.00	-
Consent for erection of memorial stone	172.73	182.92
Wall of Remembering:	0.00	-
Per single niche	620.75	657.37
Re-opening of Graves	620.75	657.37

Details	Approved 2020/2021 R	Proposed 2021/2022 R
HAWKER FEES		
Rent of Site Fee (per month)	40.48	42.87
License Application Fee	141.06	149.39
Hawker License (per annum)	302.94	320.81
Taxi Rank Fees (per annum)	454.40	481.21
BANNERS, POSTERS & ADVERTISEMENT		
Deposit: Posters (excluding elections)	1273.89	1,349.05
Deposit: Posters in a elections	1910.84	2,023.58
Deposit: For each banner	1273.89	1,349.05
Application Fee for Public Display of Advertisement Boards	768.93	814.29
Public Display of Advertisement Boards smaller than 6 m ²	1910.84	2,023.58
Public display of Advertisement Boards bigger than 6 m ²	5103.76	5,404.88
Advertisement on Municipal Statements	568.87	602.44
Display of Billboards	12761.29	13,514.20
Illuminated Signs	206.60	218.79
Temporary Signs	206.60	218.79
Street Name Advertising Structures	1911.40	2,024.17
Loose Standing Signs	1911.40	2,024.17
Street Light Poles (N4)	14865.70	15,742.77
Advertisement on Municipal Trucks	7653.06	8,104.59
Poundage Fee	206.77 per day	219.38 per day
Furnishing of information and issuing of Certificates:		
Application of Safety Certificate	127.39	134.91
Issuing of Safety certificate	254.77	269.80
LIBRARY		
Membership Fees: Adult per year	127.39	134.91
Membership Fees: Children under 18 years, pensioner & students	49.66	52.59
Penalties: Books per week	4.32	4.57
Visitor's Deposit	307.68	325.83
FEE GENERAL CLEANSING:		
i) Removal of building rubbish	566.56	599.99
ii) Removal of gardening rubbish	148.02	156.75
iii) Cleaning of Stand	566.56	599.99
FURNISHING OF INFORMATION AND ISSUING OF CERTIFICATES		
Clearance Certificates/clearance Cost		
Schedule/Duplicate/extension	114.43	121.18
Valuation Certificates	91.76	97.18
Search Fees	91.76	97.18
Photocopies: - A4-size	2.31	2.45
- A3-size	2.31	2.45
Colour copies - A4	3.45	3.65
Internet Fees: - 20 Min	18.56	19.65
- 30 Min	27.74	29.38
- 1 Hour	56.67	60.02
- 5 Hours	187.73	198.81
Tender documents	1,096.15	1,160.83
Faxes per page	5.93	6.28
Cheque Refer to Drawer	307.68	325.83
Copy of Voter Roll	5.93 per page	6.28
Copies of Valuation Roll	5.93 per page	6.29
Electronic Copy of Valuation Roll	-	

<u>Details</u>	Approved 2020/2021 R	Proposed 2021/2022 R
CONNECTION FEES:		
WATER		
Nkomazi	3,704.55	3,923.12
25mm	4,265.32	4,516.98
Water connection Rural areas	906.48	959.96
Deposits Rural areas	701.73	743.13
Testing of Water Meter	381.57	404.08
Supply and Installation of meter	Actual cost +15% larger than 25mm	Actual cost +15% larger than 25mm
Changes in installation	Actual cost +15% larger than 25mm	Actual cost +15% larger than 25mm
Civil Service Contribution	14,036.15	14,864.28
ELECTRICITY		
Nkomazi - single phase	6,502.61	6,886.27
- 3 phase	10,847.44	11,487.44
- single phase pre-paid	3,810.92	4,035.76
3 phase pre-paid	5,614.63	5,945.89
Temporary Connection	388.50	411.42
Connection due to non payment	511.05	541.21
Call out - Nkomazi	1,314.02	1,391.55
Tampering with meter	8,168.73	8,650.68
Use of fire hydrant	585.0471	619.56
Testing	Actual cost +15%	Actual cost +15%
Supply and Installation of meter box	Actual cost +15%	Actual cost +15%
Changes in installation	Actual cost +15%	Actual cost +15%
Service contribution (civil)	4,982.18	5,276.12
-		
Health Certificate	1,175.89	1,245.26
Water Test Result - Bacterial	1,346.82	1,426.28
- Chemical	667.48	706.86
BUSINESS FEES		
-		
Business License per annum	765.71	810.89
Application of Business License	307.94	326.11
Other Chargeable Properties:	-	-
RDP HOUSES	41.64	44.09
<u>Details</u>	Approved 2020/2021 R	Proposed 2021/2022 R
BULK SERVICE CONTRIBUTIONS		
Residential 1 – Per residential unit	71,115.52	75,311.33
Residential 2 – Per residential unit	50,301.21	53,268.98
Residential 3 – Per 100m ² floor area	42,929.48	45,462.32
Second dwellings – Per application	43,144.09	45,689.60
Offices – Per 100m ² building floor area	39,894.06	42,247.81
Hotels & Hostels - Per 100m ² building floor area	31,090.94	32,925.30
Doctors & Dentists- Per 100m ² building floor area	41,234.59	43,667.43

<u>Schools & Creches:</u>	Approved 2020/2021 R	Proposed 2021/2022 R
Buildings – Per 100m ² building floor area	24,023.99	25,441.41
Size of the Stand- per ha	325,222.34	344,410.46
Dry Industrial – Per 100m ² of building floor area	39,026.80	41,329.38
Wet Industrial – Per 100m ² of building floor area	105,155.55	111,359.73
<u>Clubs & Sport Facilities:</u>		
Buildings – Per 100m ² of building floor area	17,778.88	18,827.84
Size of the Stand – per ha	320,663.78	339,582.94
<u>Sport Stadiums:</u>		
Buildings – Per 100m ² of building floor area	32,955.94	34,900.34
Size of the Stand – per ha	320,663.78	339,582.94
Warehouses – Per 100m ² of building floor area	9,973.52	10,561.96
Parks – per ha	320,663.78	339,582.94
Laundries– Per 100m ² of building floor area	51,602.10	54,646.63
Butchery– Per 100m ² of building floor area	56,047.86	59,354.68
Hairdressers– Per 100m ² of building floor area	78,142.39	82,752.79
Panel Beaters– Per 100m ² of building floor area	40,073.44	42,437.77
<u>Nursery:</u>		
Buildings – Per 100m ² of building floor area	18,646.14	19,746.26
Size of the Stand – per ha	320,663.78	339,582.94
Hospitals - Per 100m ² of building floor area	81,956.27	86,791.69
Restaurants – Per 100m ² of building floor area	53,770.26	56,942.71
Other commercial, excl. shopping centres – per 100m ² floor area	52,808.72	55,924.43
Institutional – per 100m ² building floor area	51,711.55	54,762.53
<u>Agricultural holding:</u>		
Buildings – per Residential Unit	52,696.79	55,805.90
Size of the stand – per ha	54,203.89	57,401.92
Laboratories – per 100m ² of building floor area	36,534.46	38,689.99
Bus Depots – Per Bus facility	40,978.15	43,395.86
<u>Other Developments:</u>		
Water Services – per kl AADD	21,681.55	22,960.76
Sewer Services – per kl AWWF	21,681.55	22,960.76
Electrical Services – Per KVA	2,818.62	2,984.92
Roads & Stormwater – Sum	-	-
<u>LINK SERVICE CONTRIBUTIONS:</u>		
To be Determined per Application	-	-
<u>ROADS</u>		
Grader	995.30 per hour	1,054.02
TLB	567.87 per hour	601.37
High up	4129.79 per hour	4,373.45

Details	Approved 2020/2021 R	Proposed 2021/2022 R
STADIUMS		
PSL Teams	26,361.89	27,917.25
First Division	1,714.38	1,815.53
Vodacom Teams	1,273.79	1,348.94
Promotion Teams	639.97	677.73
School Activities	479.98	508.30
Churches	6,596.63	6,985.83
NGO's and CBO's	799.96	847.16
Government Departments	1,206.10	1,277.26
Festival and Big events	72,612.13	76,896.24
Funerals	1,587.62	1,681.29
Other	959.96	1,016.59
COMMUNITY HALLS		
Churches	738.43	782.00
Wedding and Parties	2,455.27	2,600.14
Beauty Contest	2,639.88	2,795.63
Music Festival/Disco/DJ	2,639.88	2,795.63
Government Department	959.96	1,016.59
NGO's and CBO's	406.14	430.10

Details	Approved 2020/2021 R	Proposed 2021/2022 R
GIS SERVICES AND PRODUCTS		
MAP TYPE AND SIZE		
A0 Colour Copy	251.20	266.02
A0 Monochrome Copy	144.63	153.16
A1 Colour Copy	167.46	177.34
A1 Monochrome Copy	94.24	99.80
A2 Monochrome Copy	123.24	130.51
A2 Monochrome Copy	65.25	69.10
A3 Colour Copy	79.74	84.45
A3 Monochrome Copy	43.50	46.06
A4 Colour Copy	36.25	38.39
A4 Monochrome Copy	14.50	15.35
PLAN TYPE AND SIZE		
A0 Copies on paper R/Copy	127.59	135.12
A0 Copies on gloss photo R/Copy	217.49	230.32
A1 Copies on paper R/Copy	86.99	92.13
A1 Copies on gloss photo R/Copy	130.49	138.19
A2 Copies on paper R/Copy	58.00	61.42
A2 Copies on gloss photo R/Copy	101.49	107.48
A3 Copies on paper R/Copy	43.50	46.06
A3 Copies on gloss photo R/Copy	58.00	61.42
A4 Copies on paper R/Copy	29.00	30.71
A4 Copies on gloss photo R/Copy	46.40	49.13



GIS DIGITAL DATA	Approved 2020/2021 R	Proposed 2021/2022 R
Cost per CD/DVD per Kilobyte - Shapefile, Jpeg, Tiff and DXF files	0.22	0.23
Cost per CD/DVD PER KILOBYTE		
DIGITAL AERIAL PHOTOGRAPHY AND CONTOURS		
AERIAL PHOTOS		
Cost per CD	260.98	276.38
Cost per Title	72.50	76.77
Cost per complete set	72,495.21	76,772.43
CONTOURS		
Cost per CD	217.49	230.32
Cost per Title	21.75	23.03
Cost per complete set	2,174.86	2,303.17
MAPBOOK ON CD/HARDCOPY		
Scale 1:2500 or 1:5000 – A3 sheet size when printed. (Cadastral data available farm, stand, township etc.)	289.98	307.09

BUSINESS LICENSING	Approved 2020/2021 R	Proposed 2021/2022 R
Wholesalers	1,614.32	1,709.56
Supermarket	1,210.74	1,282.17
General Dealer	1,210.74	1,282.17
Hardware	1,109.84	1,175.32
Café/Restaurant	908.05	961.63
Tuck Shop/Spaza Shop	908.05	961.63
Motor Spares/workshop Related	1,109.84	1,175.32
Butchery	908.05	961.63
Street Hawkers/Market Stalls	322.86	341.91
Water tankers	1,500.00	1,588.50
Honeysuker and waste disposal	1,500.00	1,588.50
Mining trucks	1,500.00	1,588.50
Tarven/bars/liquor store	1,500.00	1,588.50
Pharmacy and traditional pharmacy	1,500.00	1,588.50
Brick manufactruring and steel work	1,200.00	1,270.80
Wayleave application- refundable	2 % of the project contract value	2 % of the project contract value
Car wash	322.86	341.91
Accommodation and Lodging	1,513.42	1,602.71
Salon/barbershops/ Day Spa	1,008.95	1,068.48

RENEWALS	Approved 2020/2021 R	Proposed 2021/2022 R
Wholesalers	1,069.48	1,132.58
Supermarket	706.26	747.93
General Dealer	695.16	736.18
Hardware	588.22	622.92
Café/Restaurant	374.32	396.40
Tuck Shop/Spaza Shop	320.85	339.78
Motor Spares/workshop Related	481.27	509.66
Butchery	267.37	283.15
Street Hawkers/Market Stalls	160.42	169.89
Car wash	160.42	169.89
Accommodation and Lodging	706.26	747.93
Salon	504.47	534.24
Endorsement	1,016.01	1,075.95
Compliance	1,604.23	1,698.88
Extension	1,016.01	1,075.95
Transfer of Business ownership	2,673.71	2,831.46
Duplicate Trading Licence	2,673.71	2,831.46
Penalty (Non-Compliance)	1,604.23	1,698.88

Disaster Management	Approved 2020/2021	Approved 2021/2022
Building inspection for fire compliance		307.00
Fire-works permits		570.00
Flammable liquid/gases dangerous goods		1,500.00
Fire shell clearance certificate		R4 per square meter
Planning	Approved 2020/2021	Approved 2021/2022
As – Built - Per square meter		R20.47 per square meter
Minimum building fee -		771.70

M.D NGWENYA
MUNICIPAL MANAGER
NKOMAZI LOCAL MUNICIPALITY – MP324



LOCAL AUTHORITY NOTICE 60 OF 2021**EMALAHLENI LOCAL MUNICIPALITY****NOTICE OF APPROVAL OF EMALAHLENI AMENDMENT SCHEMES 1725, 1726, 1789, 1966, 2177, 2106, 2116, 2207 and 2367**

The Local Municipality of Emalahleni declares hereby in terms of the provisions of Section 66 (5) of Emalahleni Spatial Planning and Land Use Management By-Law, 2016, has approved the amendment schemes below, being amendments of the Emalahleni Land Use Scheme, 2020, by the rezoning of the under mentioned properties from their present zonings to the new zoning as indicated below.

Amendment Scheme	Description of property	Present Zoning	New zoning
1725	Remainder of Portion 11 of Erf 5060, eMalahleni (was Witbank) Extension 60	Business 4	Business 3
1726	Portion 44 of Erf 5060, eMalahleni (was Witbank) Extension 60	Business 4	Business 3
1789	Erf 305, eMalahleni (was Witbank) Extension 1	Residential 1	Residential 2
1966	Remainder, Portion 374, Portion 375 and Portion 376 of Portion 49 (a portion of Portion 5) of the farm Zeekoewater 311 J.S.	Agricultural	Residential 1
2177	Portions 11 and 22 (a portion of Portion 1) of the farm Vlakfontein 569 J.S., the Remainder of Portion 10 and the Remainder of Portion 11 of the Farm Bankfontein 216 I.R., and the Remainder of Portion 11 and Portion 103 of the Farm Heuvelfontein 215 I.R.	Agricultural	Special with Annexure 778 for Mining
2106	Remainder of Portion 39 (a portion of Portion 6) of the farm Zeekoewater 311 J.S.	Community Facility	Residential 1
2116	Erf 3053, eMalahleni (was Witbank) Extension 16	Residential 1	Business 4
2207	Erf 2707, eMalahleni (was Witbank) Extension 16	Residential 1	Residential 3
2367	Erf 2737 Emalahleni (was Witbank) Extension 16	Residential 1	Business 2 with Annexure 830 for Offices and a Workshop

Map 3 and the scheme clauses of the amendment schemes are filed with the Municipal Manager, Emalahleni Local Municipality and are open for inspection at all reasonable times.

HS MAYISELA
MUNICIPAL MANAGER

Civic Centre, Mandela Street, eMALAHLENI, 1035
P.O. Box 3 eMALAHLENI, 1035

Publication date: Provincial Gazette of Mpumalanga: 18 June 2021

LOCAL AUTHORITY NOTICE 61 OF 2021**EMALAHLENI LOCAL MUNICIPALITY**
NOTICE OF REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS -
ERF 1869, EMALAHLENI (WITBANK) EXTENSION 9

The Local Municipality of Emalahleni declares hereby in terms of the provisions of Section 67(1) of the Emalahleni Spatial Planning and Land Use Management By-Law, 2016, read with the provisions of the Spatial Planning and Land Use Management Act, that it has approved an application for the removal of restrictive title conditions A(b) in Title Deed T3840/2011, pertaining to Erf 1869, eMalahleni (was Witbank) Extension 9 under resolution S.LDO.111/20 dated 1 December 2020.

HS MAYISELA
MUNICIPAL MANAGER

Civic Centre, Mandela Street P.O. Box 3, eMalahleni, 1035

Publication date: Provincial Gazette of Mpumalanga: 18 June 2021

LOCAL AUTHORITY NOTICE 62 OF 2021**EMALAHLENI LOCAL MUNICIPALITY**
NOTICE OF REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS -
ERF 231, EMALAHLENI (WITBANK) EXTENSION 3

The Local Municipality of Emalahleni declares hereby in terms of the provisions of Section 67(1) of the Emalahleni Spatial Planning and Land Use Management By-Law, 2016, read with the provisions of the Spatial Planning and Land Use Management Act, that it has approved an application for the removal of restrictive title conditions (a) in Title Deed T164139/05, pertaining to Erf 231, eMalahleni (was Witbank) Extension 1 under resolution S.LDO.100/20 dated 10 November 2020.

HS MAYISELA
MUNICIPAL MANAGER

Civic Centre, Mandela Street P.O. Box 3, eMalahleni, 1035

Publication date: Provincial Gazette of Mpumalanga: 18 June 2020

LOCAL AUTHORITY NOTICE 63 OF 2021**EMALAHLENI LOCAL MUNICIPALITY**
NOTICE OF APPROVAL OF RESTRICTIVE TITLE CONDITIONS –
ERVEN 315 AND 316, EMALAHLENI (WITBANK) EXTENSION 1

The Local Municipality of Emalahleni declares hereby in terms of the provisions of Section 67(1) of the Emalahleni Spatial Planning and Land Use Management By-Law, 2016, read with the provisions of the Spatial Planning and Land Use Management Act, 2013, that it has approved an application for the removal of restrictive title conditions (a) and (b) in Title Deeds T80477/04 and T2375/2001, pertaining to Erven 315 and 316, Emalahleni (was Witbank) Extension 1 under resolution MPT.010/19 dated 26 November 2019.

HS MAYISELA
MUNICIPAL MANAGER

Civic Centre, Mandela Street, eMALAHLENI, 1035

P.O. Box 3 eMALAHLENI, 1035

Publication date: Provincial Gazette of Mpumalanga: 18 June 2021

LOCAL AUTHORITY NOTICE 64 OF 2021**EMALAHLENI LOCAL MUNICIPALITY**
NOTICE OF REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS -
ERF 228, DEL JUDOR

The Local Municipality of Emalahleni declares hereby in terms of the provisions of Section 67(1) of the Emalahleni Spatial Planning and Land Use Management By-Law, 2016, read with the provisions of the Spatial Planning and Land Use Management Act, that it has approved an application for the removal of restrictive title conditions B(i) and (j) in Title Deeds T1323098, pertaining to Erf 228, Del Judor under resolution S.LDO.032/21 dated 6 April 2021.

HS MAYISELA
MUNICIPAL MANAGER

Civic Centre, Mandela Street P.O. Box 3, eMalahleni, 1035

Publication date: Provincial Gazette of Mpumalanga: 18 June 2021

LOCAL AUTHORITY NOTICE 65 OF 2021**EMALAHLENI LOCAL MUNICIPALITY**
NOTICE OF REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS -
ERF 1869, EMALAHLENI (WITBANK) EXTENSION 9

The Local Municipality of Emalahleni declares hereby in terms of the provisions of Section 67(1) of the Emalahleni Spatial Planning and Land Use Management By-Law, 2016, read with the provisions of the Spatial Planning and Land Use Management Act, that it has approved an application for the removal of restrictive title conditions A(b) in Title Deed T3840/2011, pertaining to Erf 1869, eMalahleni (was Witbank) Extension 9 under resolution S.LDO.111/20 dated 1 December 2020.

HS MAYISELA
MUNICIPAL MANAGER

Civic Centre, Mandela Street P.O. Box 3, eMalahleni, 1035

Publication date: Provincial Gazette of Mpumalanga: 18 June 2021



Steve Tshwete
Local Municipality

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council@stlm.gov.za

LOCAL AUTHORITY NOTICE 66 OF 2021

LOCAL AUTHORITY NOTICE

Notice is hereby given that in terms of Section 14(2) of the Local Government: Municipal Property Rates Act 6 of 2004 and Section 75A of the Local Government: Municipal Systems Act 32 of 2000 the Steve Tshwete Local Municipality has, *inter alia*, approved the amendment of the property rates per Council Resolution C36/05/2021 as set out hereunder.

Extract from the minutes of the Ordinary Council meeting held on 25 May 2021:

C36/05/2021

FINANCES: ANNUAL BUDGET 2021/2022 FINANCIAL YEAR

5/1/1/14 (A)

RESOLVED BY COUNCIL

1. **THAT** the draft annual budget for the 2021/2022 MTREF for the different votes be approved as set out by the following tables attached as **ANNEXURE B**:
 - 1.1 Table A1 : Budget summary
 - 1.2 Table A2 : Budgeted financial performance
 - 1.3 Table A3 : Budget financial performance (municipal vote)
 - 1.4 Table A4 : Budget financial performance by revenue source and expenditure type
 - 1.5 Table A5 : Budgeted capital expenditure by vote
 - 1.6 Table A6 : Budgeted financial position
 - 1.7 Table A7 : Budgeted cash flows
 - 1.8 Table A8 : Cash backed reserves / accumulate surplus reconciliation
 - 1.9 Table A9 : Asset management
 - 1.10 Table A10: Consolidated basic service delivery measurement
2. **THAT** in terms of Section 75A of the Local Government Municipal Systems Act, 32 of 2000, interest be recovered on amounts outstanding for periods longer than thirty (30) days on all debtor accounts at a rate equal to the prime bank overdraft rate from the bank as applicable to the bank account of the Council from time to time.
3. **THAT**, in terms of Section 75A of the Local Government Municipal Systems Act, 32 of 2000 and Section 24 of the Local Government Municipal Property Rates Act (MPRA), 6 of 2004, approves and adopts with effect from 1 July 2021 that

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property tax be levied on the market value of all rateable properties subject to the allowed rebates, exemptions and reductions as follows:

3 · 1	Category	Rate Applicable			
3.1.1	Residential	0,0111	cent	in	the
3.1.2	Residential : vacant, including government owned	0,0167	cent	in	the
3.1.3	Illegal usage	0,0333	cent	in	the
3.1.4	Business and commercial	0,0333	cent	in	the
3.1.5	Business and commercial land owned by government	0,0138	cent	in	the
3.1.6	Industrial	0,0254	cent	in	the
3.1.7	Farms including agricultural small holdings not used for business commercial / industrial purposes	0,0017	cent	in	the
3.1.8	Farms including agricultural small holdings used for eco-tourism / trading in or hunting of game	0,0017	cent	in	the
3.1.9	Farms including agricultural small holdings used for business commercial / industrial purposes	0,0333	cent	in	the
3.1.10	Mining	0,0278	cent	in	the
3.1.11	Public benefits organisations	0,0027	cent	in	the
3.1.12	Schools including government owned / school hostels	0,0138	cent	in	the
3.1.13	Multiple used premises according to major use:				
	Residential	0,0111	cent	in	the
	Commercial	0,0333	cent	in	the
	Industrial	0,0254	cent	in	the
	Mining	0,0278	cent	in	the
3.1.14	Privately owned towns	0,0027	cent	in	the
3.1.15	Privately owned roads / parks /	0,0111	cent	in	the

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	sports grounds		Rand
3.1.16	Pensioners rebate who qualify (residential only)		
	i) 100% rebate category	0,0000	cent in the Rand
	ii) 70% rebate category	0,0033	cent in the Rand
	iii) 50% rebate category	0,0056	cent in the Rand
	iv) 20% rebate category	0,0088	cent in the Rand
3.1.17	That owners of residential properties that are 80 years and older automatically receive a 100% rebate, provided that their current account is up to date.	0,0000	cent in the Rand

3.2 Rebates in recognition of Section 15(2) of Act 6 of 2004

3.2.1 **That** for all indigent households enlisted under the Council's indigent support and free basic services scheme property rates be fully discounted and the expenditure be recovered from the proportional equitable share payment to the Council by the South African National Treasury.

3.2.2 The following rebates be allowed on properties owned by pensioners, disability grantees and/or medically boarded based on their monthly income and which are categorized as residential subject to the conditions as stipulated in the property rates policy:

Qualifying applicants:

R 0	to R 3 780,00	100% rebate on applicable tariff
R 3 780,01	to R 7 560,00	70% rebate on applicable tariff
R 7 560,01	to R11 340,00	50% rebate on applicable tariff
R11 134,01	to R15 1200,00	20% rebate on applicable tariff

That owners of residential properties that are 80 years and older automatically receive a 100% rebate, provided that their current account is up to date.

3.2.3 **That** a developers rebate of 0,0094 cent in the rand be allowed for all property where a single property becomes divided (through subdivision or township establishment) into ten (10) or more full title units and all services, inclusive of water, sewerage, electricity and roads are installed by the developer at his own cost for a period of two (2) years from the date of registration of the subdivision or the proclamation of the township or for a shorter period until the newly created units are sold off or improved before expiry of the two (2) years period.

3.2.4 **That** the following rebates may be allowed for business property

developments subject to the conditions as stipulated in the property rates policy.

For properties with a municipal valuation between R2-million to R5-million:

in the first year a rebate of 100%
in the second year a rebate of 75%
in the third year a rebate of 50%; and
in the fourth year the full property tax will be payable

For properties with a municipal valuation that exceeds R5-million:

in the first year a rebate of 100%
in the second year a rebate of 100%
in the third year a rebate of 50%; and
in the fourth year the full property tax will be payable
should the municipal valuation exceeds an amount of
R20-million the property rates be phased in as follows:

3.2.5 **That** a rebate of 0,0038 cent in the Rand be allowed for special industry.

3.3 A phasing-in discount granted in terms of Section 21 of MPRA, Act 6 of 2004

3.3.1 **That** property rates on all newly rated property that had not previously been assessed and rated according to any valuation roll or supplementary valuation roll that applied to any area of the municipality in terms of previous legislation be phased in as follows:

- in the first financial year a rebate of 75%;
- in the second financial year a rebate of 50% of the rate;
- in the third financial year a rebate of 25% of the rate; and
- in the fourth financial year the full property tax will be payable without any rebate.

3.4 Exemptions from payment of a rate levied

3.4.1 **That** in terms of Section 15(1)(a) of the MPRA, Act 6 of 2004 the following categories be exempted from payment of a rate levied on their property:

3.4.1.1 rateable property registered in the name of a welfare organization registered in terms of the National Welfare Act, Act 100 of 1978.

3.4.1.2 rateable property owned by public benefits organizations and used for any specific public benefit activity as listed in item 1,2 and 4 of part 1 of the ninth schedule to the Income Tax Act.

3.4.1.3 museums, art galleries, libraries and botanical gardens which are registered in the names of private persons and which are open to

public, whether admission is charged or not as listed in Section 6(a) and (b) of the ninth schedule to the Income Tax Act.

- 3.4.1.4 national monuments including ancillary business activities at national monuments as listed in Section 6(a) and (b) of the ninth schedule to the Income Tax Act.
- 3.4.1.5 rateable property registered in the name of a trustee or trustees or any organization which is being maintained for the welfare of war veterans as defined in Section 1 of the Social Aid Act (House of Assembly), Act 37 of 1989 and their families.
- 3.4.1.6 sport grounds used for the purposes of amateur sport and any social activities which are connected with such sport.
- 3.4.1.7 rateable property registered in the name of the Boy Scouts, Girl Guides, Sea Scouts, Voortrekkers or any organization which is in the opinion of the municipality similar or any rateable property let by the municipality to any such organization.
- 3.4.1.8 rateable property registered in the name of a declared institution in terms of Cultural Institutions Act, Act 119 of 1998 as amended, promoting the cultural aims as defined in section 6(a) and (b) of the ninth schedule of the Income Tax Act.
- 3.4.1.9 properties as specified by section 17(1) of the act.
 - a structure constructed solely for the purpose of rendering the property suitable for the erection of any immovable structure thereon; and
 - buildings, structures and equipment or machinery referred to in section 46(3) of the act.
- 3.4.1.10 on mineral rights within the meaning of paragraph (b) under “property” as per Section 1 of MPRA, Act 6 of 2004.
- 3.4.1.11 on a property belonging to a land reform beneficiary or his or her heirs, provided that this exclusion lapses ten (10) years from the date on which such beneficiary's title was registered in the office of the Registrar of Deeds.
- 3.4.1.12 on the first R30 000,00 of the market value of the property assigned in the valuation roll of a municipality to a category determined by the municipality:
 - (i) for residential purposes including second dwellings and duets not subject to a sectional title scheme; or
 - (ii) for properties used for multiple purposes, provided one or more components of the property and which forms the major part of the property, are used for residential purposes.
- 3.4.1.13 on a property registered in the name of and used primarily as a place of public worship by a religious community, including an official

residence registered in the name of that community which is occupied by an office-bearer of that community who officiates at services at that place of worship.

3.4.1.14 an additional rebate of R40 000,00 on the market value of residential properties with a market value less than R300 000,00.

3.4.1.15 on the first 30% of the market value of public service infrastructure.

3.4.1.16 on those parts of a special nature reserve, national park or national reserve with meaning of protected areas act, or a national botanical garden within the meaning of National Management Biodiversity Act, 2004 which are not developed or used for commercial business, or residential agricultural purposes.

3.5 **That** all property rates as per paragraphs 3.1.1 to 3.1.16 above be subjected to value added tax at a zero rate.

4. **THAT** the fees for drainage and sewerage as published under Notice 2/1985 in the provincial gazette on 31 July 1985, as amended and in terms of the stipulations of Section 75A of the Local Government Municipal Systems Act, 32 of 2000, be approved and adopted with effect from 1 July 2021 as follows:

4.1 **That** the departmental levy on sewerage be determined at R4,94 per kilolitre of measured sewerage water effluent.

4.2 **That** all levies for drainage and sewerage as per paragraph 4.3 below be subjected to value added tax at full rate.

4.3 To have the present tariffs replaced by the following structure:

4.3.1 Monthly levy for developed residential erven

(a) with a total area of up to 995m² R123,13

(b) with a total area exceeding 995m²
up to 1500m² R272,48

(c) with a total area exceeding 1500m² R361,04

4.3.2 Monthly levy on flats

Per residential unit R181,42
2nd dwelling (single property) R125,62

4.3.3 Monthly levy on all church erven R361,16

4.3.4 Business and Industries
R10,26 per kilolitre metered pure water consumption per month

4.3.5 All undeveloped erven in private possession with access to the reticulation

An availability levy of R73,01 per erf per month

- 4.3.6 Agricultural societies and sport clubs not accommodated at the central sports grounds

R8,76 per kilolitre of metered purified water consumption per month

- 4.3.7 Military basis, road camps and other similar properties

R10,26 per kilolitre of metered purified water consumption per month

- 4.3.8 Industries and businesses where a great extent of the water consumption as determined by Council is taken up in the final product per kilolitre of the metered purified water consumption per month:

0 - 2000 kiloliters	R4,20 per kl
2000 - 5000 kiloliters	R2,48 per kl
Above 5000 kiloliters	R1,25 per kl

- 4.3.9 Hospitals, nursing homes under welfare care, schools and school hostels, nursery schools and day schools

Monthly levies as follows:

- (a) Hospitals

R361,09 for each three (3) beds or portion, continuously available and R361,09 for each ten (10) personnel or portion, residential or not.

- (b) Schools and school hostels (including nursery and day schools)

R104,24 for each twenty (25) persons or portion thereof.

- (c) Nursing and maternity homes and welfare organizations

As described by the National Welfare Act, 1978, and institutions controlled by welfare organizations.

R169,94 for each ten (10) persons or portion thereof

- 4.3.10 Vergeet-My-Nie / Rivier Park flats
R84,24 per flat per month

- 4.3.11 Formalized informal housing settlements with access to biological toilets per stand (unproclaimed township)

R61,16 per month

- 4.3.12 Proclaimed rural townships / villages with biological toilets per stand

R61,16 per month

- 4.4 **That** for all indigent consumers enlisted under the Council's indigent support and free basic services scheme with the inclusion of all dwellings in the formalized informal housing settlements, no fees be paid by the consumer and the levy in full be recovered from the proportional equitable share payable to Council by the South African National Treasury.
- 4.5 For all pensioners who applied and were approved for a rebate on assessment rates based on their monthly income, the same rebate be allowed on their respective residential sewerage tariffs, except Vergeet-My-Nie / Rivier Park flats:
- 4.5.1 Pensioners who qualify (residential)
- | | | |
|------------|---------------|----------------------------------|
| R 0 | to R 3 780,00 | 100% rebate on applicable tariff |
| R 3 780,01 | to R 7 560,00 | 70% rebate on applicable tariff |
| R 7 460,01 | to R11 340,00 | 50% rebate on applicable tariff |
| R11 340,01 | to R15 120,00 | 20% rebate on applicable tariff |
- 4.6 **That** owners of residential properties that are 80 years and older automatically receive a 100% rebate, provided that their current account is up to date
5. **THAT** the fees for the removal of solid waste (refuse), whether the service is delivered or not, as published under Notice No. 3/1985 in the provincial gazette of 31 July 1985, as amended and in terms of the stipulations of section 75A of the Local Government Municipal Systems Act, Act 32 of 2000, approves and adopts with effect from 1 July 2021 as follows:
- 5.1 **That** the fees for the removal of solid waste as per paragraphs 5.2 to 5.4 and 5.6 to 5.8 below be subjected to value added tax at the standard rate.
- 5.2 Tariff of charges
- 5.2.1 Occasional service
- For a daily service per day per refuse bin R73,73
- 5.2.2 Housing refuse
- Erven up to 995m² and erven exceeding 995m²
- by substitution of the amount of R151,51 with R157,42 and R216,85 with R225,31
- 5.2.3 Indigent support when a second 240L bin is required indigent support will be removed on all services.

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5.2.4 Flats

by substitution of the amount of R194,73 with R202,32

5.2.5 Businesses: 1,1m³ mass container

up to three (3) times per week by substitution of the amount of R2 667,50 with R2 771,53

up to six (6) times per week by of the amount of R5 314,41 with R5 521,67

5.2.6 Businesses: Skip 6m³

up to once per week by substitution of R9 634,48 with R10 010,22

up to three (3) times per week by substitution of R19 283,89 with R20 035,96

5.2.7 Second dwelling

by substitution of the amount of R145,54 with R151,22

5.2.8 Businesses: Bins 85ℓ

by substitution of the amount of R523,52 with R543,94

5.2.9 Businesses: 1,75m³ mass containers

by substitution of the amount of R6 804,15 with R7 069,51

5.2.10 collection of garden waste (Mhluzi Nasaret, Hlalamnandi, Middelburg Ext 24 and Rockdale) once a week new tariffs of R45 per month introduced.**5.2.11 Businesses: 240ℓ bins**

up to three (3) times per week:

by substitution of the amount of R972,04 with R1 009,95

up to six (6) times per week:

by substitution of the amount of R1 944,55 with R2 020,39

5.3 That the tariff for removal of solid waste (refuse) from the Vergeet-My-Nie / Rivier Park flats be increased from R73,84 per flat to R76,72 per flat per month.

5.4 That the tariff for formalized informal housing settlements (unproclaimed townships) be increased from R76,08 per stand per month to R79,05 per stand per month.

5.5 That the communal use tariff of R76,08 per month be increased to R 79,05 per month where refuse is removed at a communal point.

5.6 That the departmental levy for removal of solid waste (refuse) be amended as follows:

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per refuse bin	R 176,49
per mass container	R2 900,79

5.7 **That** the tariff for proclaimed rural villages be increased from R76,08 per stand per month to R76,08 per stand per month.

5.8 **That** the static compactor levy for removal of refuse be amended as follows:

up to 15m ³ per month	R12 549,50
up to 11m ³ per month	R10 039,60
up to 10m ³ per month	R 9 203,70

5.9 That additional static compactor removals more than four (4) times per month be amended as follows:

up to 15m ³ per month per removal	R3 136,43
up to 11m ³ per month per removal	R2 509,62
up to 10m ³ per month per removal	R2 300,38

5.10 **That** for all indigent consumers enlisted under the Council's indigent support and free basic services scheme of all dwellings in the formalized informal housing settlement no fees be paid by the consumer and the levy in full be recovered from the proportional equitable share payable to Council by the South African National Treasury.

5.11 **That** for all pensioners who applied and were approved for a rebate on assessment rates based on their monthly income, the same rebate be allowed on their respective refuse levies, except for Vergeet-My-Nie and Rivier Park flats:

5.11.1 Pensioners who qualify (residential)

monthly income

R 0	to R 3 780,00	100% rebate on applicable tariff
R 3 780,01	to R 7 560,00	70% rebate on applicable tariff
R 7 560,01	to R11 340,00	50% rebate on applicable tariff
R11 340,01	to R15 120,00	20% rebate on applicable tariff

That owners of residential properties that are 80 years and older automatically receive a 100% rebate, provided that their current account is up to date.

6. **THAT** the fees for water supply as published under Notice Number 31/1986 in the provincial gazette of 10 September 1986, as amended and in terms of section 75A of the Local Government Municipal Systems Act, Act 32 of 2000, approves and adopts with effect from 1 July 2021 as follows:

6.1 **That** the fees for water supply as per paragraphs 6.2.1 to 6.2.7 below be subjected to value added tax at standard rate.

6.2 By replacing the present tariffs by the following tariff structure:

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6.2.1 All residential, single flats, church sites and residential units in group housing complexes:

- (a) Where working meters were installed for metered purified water consumptions per month:

For the first six (6) kiloliters	Free
Above six (6) to ten (10) kiloliters	R10,69 per kl
Above ten (10) to forty (40) kiloliters	R14,41 per kl
Above forty (40) kiloliters	R15,33 per kl

- (b) Erven without working water meters which are developed and occupied:

A monthly fixed levy of R110,78 per erf per month

- (c) Water leak adjustment tariff R10,69

6.2.2 All undeveloped erven with access to the reticulation network

An availability levy of R62,78 per month

6.2.3 All businesses and industries, school and school hostel sites (including nursery schools and day schools)

All monthly metered consumption of purified water at R11,39 per kilolitre.

6.2.4 Supply of raw water in all cases

Per metered monthly consumption at R10,88 per kilolitre

6.2.5 Purified water outside Council's distribution areas

According to monthly metered consumption at R15,52 per kilolitre

6.2.6 That the levy for purified effluent be determined at R3,05 cent per kilolitre

6.2.7 Water restriction tariffs

Level 1 restriction (water source below 60%)

- (a) Residential

For the first six (6) kiloliters	Free
Above six (6) to ten (10) kiloliters	R10,69 per kl
Above ten (10) to forty (40) kiloliters	R18,73 per kl
Above forty (40) kiloliters	R19,93 per kl

- (b) Business and industries, school and school hostel sites (including schools and day schools)

All monthly metered consumption of purified water at R14,80 per kilolitre

Level 2 restriction (water source below 40%)

(a) Residential

For the first six (6) kiloliters	Free
Above six (6) to ten (10) kiloliters	R10,69 per kl
Above ten (10) to forty (40) kiloliters	R23,06 per kl
Above forty (40) kiloliters	R24,52 per kl

(b) Business and industries, school and school hostel sites (including nursery and day schools)

All monthly metered consumption of purified water at R17,68 per kilolitre

Level 3 restriction (water source below 20%)

(b) Residential

For the first six (6) kiloliters	Free
Above six (6) to ten (10) kiloliters	R10,96 per kl
Above ten (10) to forty (40) kiloliters	R28,80 per kl
Above forty (40) kiloliters	R30,64 per kl

(c) Business and industries, school and school hostel sites (including schools and day schools)

All monthly metered consumption of purified water at R22,76 per kilolitre

6.2.8 That the departmental levy for purified water be determined at R4,29 per kilolitre

6.3 **That** for all indigent residential households enlisted under the Council's indigent support and free basic services scheme an additional four (4) kiloliters besides the first six (6) kiloliters of monthly consumption to a total of 10 kiloliters of monthly consumption be supplied free of charge and the total cost of the consumption between six (6) and up to ten (10) kiloliters be recovered from the proportional equitable share payable to Council by the South African National Treasury.

7. **THAT** the electricity tariffs for the 2020/2021 financial year be approved in that the Determination of Fees for the Supply of Electricity, promulgated under Notice No. 38 of the Provincial Gazette of 26 January 1996, in terms of the stipulations of section 75A of the Local Government Municipal Systems Act, of 2000, approves and adopts with effect from 1 July 2021 as follows:

7.1 That the fees levied for electricity as per paragraphs 7.1.1 to 7.1.9 and paragraphs 7.1.11 to 7.1.14 below be subjected to Value Added Tax at the standard rate.

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ELECTRICITY**7.1.1 Domestic residential indigent consumers**

These tariffs are applicable to all residential indigent consumers with an ampere capacity limited to 20A per phase.

	Average (12,0%) 2020/2021 c/kWh	Average (6,23%) 2021/2022 c/kWh
(i) Energy charge (kWh)	0,00	0,00
(ii) Block 1 – 50 kWh	106,27	121,77
(iii) Block 51 – 350 kWh	139,19	159,50

Free basic electricity to a maximum of 50 kWh per month applies to registered indigent consumers.

Where more than 350 kWh is consumed during a month, the same tariff will be applied as for other domestic residential consumers.

7.1.2 Domestic residential consumers

These tariffs are available to all residential consumers with a single or three phase connection with an ampere capacity of up to 80A per phase. This tariff consists out of a fixed and energy charge. The tariff is based on the inclining block principle, that is, the more units used, the higher the rate becomes.

	CURRENT 2020/2021 R	APPROVED 2021/2022 R
A fixed charge whether electricity is consumed or not, per month or part thereof per point of supply. The amount is charged once per month.		
(i) Single phase	75,64	86,68
(ii) Three phase	102,09	116,98
	c/kWh	c/kWh
Energy charge		
(i) Block 1 – 50 kWh	109,41	125,37
(ii) Block 51 – 350 kWh	148,30	169,93
(iii) Block 351 – 600 kWh	192,37	220,44
(iv) Block > 600 kWh	216,54	248,13

7.1.3 Domestic residential consumers (lifeline)

This is a new tariff structure and is available to all residential consumers with a single or three phase connection with an ampere capacity of up to 40A per phase with no fixed charge. This tariff consists only out of an energy charge and will suite low to medium consumption residential consumers. The tariff is based on the inclining principle, that is, the more units used, the higher the rate becomes.

		CURRENT 2020/2021	APPROVED 2021/2022
		c/kWh	c/kWh
(i) Block	1 – 50 kWh	121,53	139,26
(ii) Block	51 – 350 kWh	167,65	192,11
(iii) Block	351 – 600 kWh	196,88	225,61
(iv) Block	> 600 kWh	218,44	250,31

7.1.4 Business, industrial & general consumers

These tariffs are applicable to all business, industrial and general consumers with a single and/or three phase connection with a capacity of up to 80A per phase.

		CURRENT 2020/2021	APPROVED 2021/2022
		R	R
A capacity charge whether electricity is consumed or not, per ampere of supply capacity, per month, per point of supply or part thereof			
(i) Single phase		21,12	24,20
(ii) Three phase		63,40	72,65
		c/kWh	
Energy charge		137,17	157,18

Note:

For the purpose of time of use tariffs the defined daily time of use period throughout the year are:

Peak hours:

- | | |
|----------------|--------------------------------|
| (i) Weekdays | 07:01 – 10:00
18:01 – 20:00 |
| (ii) Saturdays | None |

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(iii) Sundays None

Standard hours:

(i) Weekdays 06:01 – 07:00
 10:01 – 18:00
 (ii) Saturdays 07:01 – 12:00
 18:01 – 20:00
 (iii) Sundays None

Off-peak hours:

(i) Weekdays 22:01 – 06:00
 (ii) Saturdays 12:01 – 18:00
 20:01 – 07:00
 (iii) Sundays 00:00 – 24:00


The Director Electrical Engineering Services may impose a specific minimum load requirement for qualification for time of use tariff scales.

8. **THAT** in terms of Section 75A of the Local Government Municipal Systems Act, Act 32 of 2000, the adjusted sundry tariffs, value added tax inclusive, as reflected in the comments of the various heads of departments under schedule 2 be approved and adopted for implementation with effect from 1 July 2021.
9. **THAT** a rate of R160,00 per day be approved for temporary workers limited to a maximum of three (3) months, unless otherwise specified in the personnel budget and/or human resources policies.
10. **THAT** the new personnel posts and the abolishment of posts as reflected under schedule 3 be approved to be implemented with effect from 1 July 2021.
11. **THAT** the following budget-related policies both new and as amended be approved and adopted for implementation from 1 July 2021, and the policy that requires promulgation be submitted for gazetting:
 - 11.1 Asset Management
 - 11.2 Blacklisting policy
 - 11.3 Budget policy.
 - 11.4 Budget virement policy.
 - 11.5 Cost containment policy.
 - 11.6 Credit control and debt collection policy.
 - 11.7 Free basic services and indigent policy.
 - 11.8 Impairment of debtors and write-off policy.
 - 11.9 Pay day policy.

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- 11.10 Petty cash policy.
 - 11.11 Property rates policy.
 - 11.12 Supply chain management policy.
 - 11.13 Tariff policy.
 - 11.14 Travelling and subsistence policy.
 - 11.15 Unclaimed deposits policy.
12. **THAT** the following unchanged budget-related policies be noted and be approved and adopted for implementation from 1 July 2021:
- 12.1 Borrowing policy.
 - 12.2 Contractor development policy.
 - 12.3 Funding & reserves policy.
 - 12.4 Investment of surplus funds policy.
 - 12.7 Methodology for the impairment and assessment of useful lives of assets policy.
 - 12.8 Methodology – classification and treatment of land policy.
 - 12.9 Methodology – impairment of receivables policy.
 - 12.10 Short term risk and liabilities policy.
13. **THAT** the following by-laws be approved by Council for public participation and adoption:
- 13.1 Credit control by-law
 - 13.2 Customer care and revenue management by-law
 - 13.3 Property Rates by-law
 - 13.4 Tariff by-law
14. **THAT** the measurable performance objectives for revenue from each source as per table A4 be approved and adopted for the 2021/2022 budget year.
15. **THAT** permission be granted to the Executive Director: Financial Services to submit the draft annual budget in both printed and electronic formats to National and Provincial Treasury and upload it on National Treasury portal.



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16. **THAT** permission be granted to the Executive Director: Financial Services to place the annual draft budget on the municipal website within five (5) working days from approval.
17. **THAT** permission be granted to the Executive Director: Financial Services to make the annual budget and supporting documentation with Council resolution public in terms of Section 21(A) of the Municipal Systems Act, 32 of 2000 within ten (10) workings days after Council approval.
18. **THAT** permission be granted to the Executive Director: Financial Services to submit an application for the approval of the electricity tariffs to NERSA.

CERTIFIED A TRUE EXTRACT

MUNICIPAL MANAGEER
B Khenisa
02 June 2021



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