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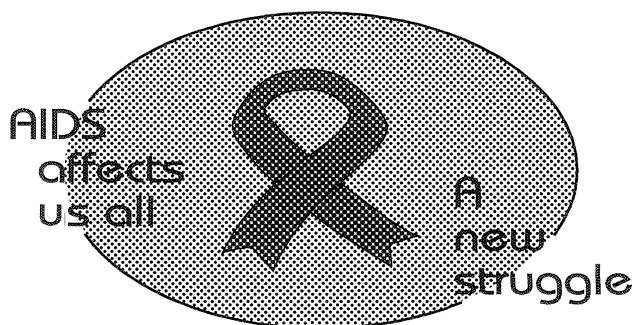
**BUITENGEWONE  
PROVINSIALE KOERANT**

**Vol. 256**

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**No. 7193**

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## LOCAL AUTHORITY NOTICES

### LOCAL AUTHORITY NOTICE 235

### RATLOU LOCAL MUNICIPALITY

### ADVERTISING SIGNS AND HOARDINGS BY-LAW 2013

**Ratlou Local Municipality** has passed this by-law that was introduced in terms of Section 12 of the Municipal Systems Act (Act 32 of 2000) as per **Resolution 29/ 2013** during a statutory Council meeting held on 30 May 2013.

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

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

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

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

Be it enacted by the Municipal Council in terms of Section 11 (3) (m) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as follows:-

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## 1. DEFINITIONS

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

**Advertisement** means any representation of a word, name, letter, figure or object or of an abbreviation of a word or name, or of any sign or symbol; or any light which is not intended solely for illumination or as a warning against any danger, which is visible from any street or public place.

**Advertising hoarding** means a screen, fence, wall or other structure in a fixed position to be used, or intended to be used, for the purpose of posting, displaying or exhibiting any advertisement.

**Advertising sign** means any advertisement or object, structure or device which is in itself an advertisement or which is used to display an advertisement, in view of any street or public place.

**Advertising structure** means any physical structure built to display advertising.

**Aerial sign** means any sign attached to a kite, balloon, or similar device whereby it is suspended in the air over any part of the area.

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

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

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

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

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

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

**Building** means any structure whatsoever with or without walls, having a roof or canopy and a normal means of ingress and egress thereunder, covering an area in excess of 4.6m<sup>2</sup> and having an internal height of more than 1.650m.

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

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

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

**Copy** (Artwork) means the complete advertising message to be displayed.

**Commercial Advertising** means any words, letters, logos, figures, symbols and 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.

**Composite sign** means a sign linked to a standardised background of a specific size similar to a poster board on which logos or other tourist-related information can be attached.

**Council or Municipality** means

- (a) the Ratlou Municipality established by a notice on the *Provincial Gazette* in terms of the provisions of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), as amended, 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 this By-Law has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or
- (d) a service provider fulfilling a responsibility under this By-Law, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000, or any other law, as the case may be.

**Cut-outs / embellishments / add-ons** means letters, packages, figures or mechanical devices attached to the face of an outdoor sign which extend beyond the rectangular area for greater attention value. (Can provide a three dimensional effect.)

**Depth of a sign** means the vertical distance between the uppermost and lowest edges of the sign.

**Directional sign** means a sign indicating the way to a place, undertaking or activity for the purpose of advertising or directing public attention as contemplated in the definition of "Advertisement".

**Display of a sign** shall include the erection of any structure if such structure is intended solely or primarily for the support of a sign.

**Display period** means the exposure time during which the individual advertising message is on display.

**Election** means either National, Provincial or Local Government elections and by-elections held from time to time.

**Erf/ Stand** means any piece of land registered in a deeds registry or unregistered as an Erf/ Stand, lot, plot, stand or agricultural holding.

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

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

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

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

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

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

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

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

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

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

**Person** includes both natural and juristic persons.

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

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

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

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

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

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

**Rotating sign** means a sign, which rotates about any axis.

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

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

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

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

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

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

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

**Temporary advertisements** means signs and advertisements which are usually displayed to publicise a forthcoming event or to advertise a short term use of the advertisement site.

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

**Third-party advertising** means any advertising displayed which is not appropriate to the type of activity on the Erf/ Stand or site to which it pertains.

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

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

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

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

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

(1) No person shall display or erect any advertising sign or hoarding or use any advertising sign or hoarding or use any structure or device as an advertising sign or hoarding without first having obtained the written approval of the Council; provided that the provisions of this Clause shall not apply to signs contemplated in Clause 4,

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

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

(i) a locality plan indicating the anticipated position of the sign within the area of the Ratlou Local Municipality. The Council may require the locality for signs in excess of 10 square metres to be indicated and described by an accurate G.P.S. reading or an acceptable alternative

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

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

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

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

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

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

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

(5) The Council may require the submission of additional drawings, calculations and other information and a certificate by a person defined in Clause 1 of the Engineering Profession of South Africa 1990 (Act No. 114 of, 1990) as a certified engineer, engineering technician, professional engineer or professional technologist (engineering), in each case giving details to the Council's satisfaction, to enable it to establish the adequacy of the proposed means of securing, fixing or supporting any advertising sign, hoarding or screen referred to in Clause 13, to resist all loads and forces to which the advertising sign, hoarding or screen may be exposed and the sufficiency of the margin of safety against failure, in compliance with the provisions of Regulation of the National Building Regulations published under Government Gazette No. 9613, dated 1 March 1985.

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

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

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

(ii) it will constitute a danger to any person or property;

(iii) it will display any material which in the opinion of the Council is indecent, suggestive of indecency, prejudicial to public morals or objectionable;

(iv) it will obliterate any other signs;

(v) it will in the opinion of the Council be unsightly or detrimentally impact upon a sound architectural design;

(vi) it will in any way impair the visibility of any road traffic sign or affect the safety of motorists or pedestrians,

(b) The size and location of a proposed advertising sign or hoarding and its alignment in relation to any existing advertising sign or hoarding or the same building or Erf/ Stand and its compatibility with the visual character of the area surrounding it.

(c) The number of signs displayed or to be displayed on the Erf/ Stand concerned and its legibility in the circumstances in which it is seen;

(d) The sign, if not appropriate to the type of activity on or zoning of the Erf/ Stand or site to which it pertains should be considered on its merits in terms of the control measures of the Council's Outdoor Advertising Signage Policy and Code of Practice and the S.A.M.O.A.C. guidelines.

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

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

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

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

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

(12) Notwithstanding anything contained in this By-Law, this By-Law are to be applied to the Land Use Zones as set out in the enforceable Town Planning Scheme/Land Use Scheme for the area of jurisdiction of the Municipality.

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

### **3. WITHDRAWALS OR AMENDMENT OF COUNCIL'S APPROVAL**

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

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

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

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

### **4. EXEMPT SIGNS**

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

- (a) any sign displayed in an arcade;
- (b) any sign displayed inside a building;
- (c) any sign displayed on an approved advertising hoarding;
- (d) any sign advertising a current event in a cinema, theatre or other place of public entertainment, displayed in a fixture or building especially made for such display;
- (e) any sign not exceeding the sizes specified hereunder, which is displayed on a site where a building, swimming pool, tennis court, paving, fencing or garden landscaping or any other structure is in the course of being constructed, erected, carried out or altered and which describes the building or structure being erected or other work or activity being carried out, and which displays the names of the contractors or consultants concerned in such work or activity and identifies the branches of the industry or the professions

represented by them, during the course of such construction, erection, carrying out of alterations as the case may be: Provided that only one such sign, or set of signs shall be permitted per street frontage of a site; and which is placed on or affixed to the building concerned or attached parallel on the boundary fence of the Erf/ Stand on which the building is situated. Such signs are to be removed within 21 days of the completion of the contract. Signage for ongoing maintenance contracts is not permitted;

(i) Project boards, 6m<sup>2</sup> and with a maximum erected height of 6m, giving the names of Architects, Consultants and Contractors;

(ii) Individual Contractors and Sub-Contractor's Board: 2m<sup>2</sup>. ;

f) any sign, other than a sign provided for in paragraph (e), not exceeding 12m<sup>2</sup>, and not exceeding a maximum erected height of 6m, which portrays or describes the type of development being carried out on a site and which gives details of the type of accommodation being provided, floor space available, the name, address and telephone number of the developer or his agent, erected during construction work or the carrying out of alterations or additions as the case may be and remaining for a period not exceeding 2 months after the completion of such work;

(g) a sign on a street frontage of a building occupied by shops, showrooms or other business uses as defined in the relevant Land Use Scheme, other than a sign in an office park area, which is below the level of the ground floor ceiling and which is displayed on or fixed to the face of a building or suspended from the soffit of a canopy or veranda roof;

(h) a sign consisting of a 600mm x 450mm metal plate or board permitted in terms of Clause 14;

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

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

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

- (l) a sign not exceeding 2m<sup>2</sup>, indicating the existence of a Block or Neighbourhood Watch System, displayed on a boundary wall or fence or in a position approved by the Council. If erected on its own pole(s), the minimum underside clearance of the sign above the pavement must be 2.1m.
- (2) The owner of the building or property on which a sign contemplated in sub-clause (1) (g) is displayed, shall indemnify the Council against any consequences flowing from the erection, display or mere presence of the sign.
- (3) Any sign which does not comply with the provisions of this By-Law and which was lawfully displayed on the day immediately preceding the date of commencement of this By-Law shall be exempt from the requirements of this By-Law if the sign in the opinion of the Council is properly maintained and is not altered, moved or re-erected as contemplated in Clause 2(2).
- (4) Road traffic signs erected in terms of any Act of Parliament, Provincial Ordinance or By-law are exempt from the provisions of this By-Law.
- (5) Any sign erected as a specific requirement in terms of any By-law, Provincial Ordinance or Act of Parliament is exempt from this By-Law.
- (6) Any transit sign, which is mobile at all times and complies with all requirements of the Road Traffic Act is exempt from this By-Law.

## **5. PROHIBITED SIGNS**

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

- (1) Any sign painted on the roof of a building or painted on, attached to, or fixed between the columns or posts of a veranda.
- (2) (a) any sign which projects above or below any fascia, bearer, beam or balustrade of a street veranda or balcony;
- (b) any luminous or illuminated sign which is fixed to any fascia, bearer, beam or balustrade of any splayed or rounded corner of a street veranda or balcony.
- (3) Any sign suspended across a street unless otherwise approved by Council.
- (4) Any sign on calico, paper mache, plastic, woven or similar material or of any kind whatsoever, except those provided for in terms of Clause 20 or unless consisting of flexface within an approved advertising sign.
- (5) Any swinging sign, which is a sign not rigidly and permanently fixed.

- (6) Any sign which may either obscure a road traffic sign, be mistaken for with or interference with the functioning of a road traffic sign.
- (7) Any sign which may obscure traffic by restricting motorists' vision and lines of sight thus endangering motorists' safety.
- (8) Any sign which is indecent or suggestive of indecency, prejudicial to public morals or is reasonably objectionable.
- (9) Any sign which will obstruct any window or opening provided for the ventilation of a building or which obstructs any stairway or doorway or other means of exit from a building or which will prevent the movement of persons from one part of a roof to another part thereof.
- (10) Any animated or flashing sign the frequency of the animations or flashes or other intermittent alternations of which disturbs the residents or occupants of any building or is a source of nuisance to the public or impairs road traffic safety.
- (11) Any illuminated sign, the level of illumination of which unreasonably disturbs the residents or occupants of any building or is a source of nuisance to the public.
- (12) Any movable temporary or permanent sign other than those specifically provided for in this By-Law.
- (13) Any sign referring to a price or change in price of merchandise except in a shop window, or on the article itself.
- (14) Any advertisement or sign other than an exempted sign, for which neither a permit nor approval has been obtained.
- (15) Any poster otherwise than on a hoarding legally erected for the purpose of accommodating such poster.
- (16) Any sign or signs, the total area of which exceeds 30m<sup>2</sup>, painted or fixed on a wall of a building not being a front wall of such building, unless approved in terms of the policy for the promotion of Outdoor Advertising in the Johannesburg Inner City.
- (17) Any sign painted on any fence or boundary wall, not being an approved sign or hoarding.
- (18) Any sign which does not comply with the requirements of or which is not permitted by this By-Law.
- (19) Any sign which may obstruct pedestrian or vehicular traffic.
- (20) Any form of fly postering on private or Council, property or assets.
- (21) Any transit advertising sign that is parked irrespective of whether it is attached to a vehicle or not.
- (22) Any poster or sign attached to a tree.
- (23) Any poster attached or pasted to a bridge.
- (24) Any temporary sign for commercial or third-party advertising erected on Council land or land vested in the Council, unless by prior signed encroachment agreement or contract with the Council.

(25) Any sign attached to a bridge or any other Council asset, unless by prior signed agreement or contract with the Council.

(26) Any third party advertising sign on any property zoned "Residential" in terms of the relevant Town Planning Scheme whether secondary rights or not have been granted by Council and which are exercised on the Erf/ Stand.

(27) Any sign or poster attached to a Road Traffic Sign.

## **6. SIGNS SUSPENDED UNDER VERANDAS OR CANOPIES**

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

(1) Unless the Council otherwise permits, having regard to the design of the veranda or canopy and its associated building and to the position of the building in relation to the street boundary of the Erf/ Stand, the sign shall be fixed with its faces at right angles to such boundary.

(2) No part of the sign shall project beyond the outer edge of the veranda or canopy from which it is suspended.

(3) No part of the sign shall be less than 2.4m above the surface of the sidewalk or ground level immediately below it, nor should the top of the sign be more than 1 m below the canopy or veranda from which it is suspended nor shall any sign exceed 1m in depth.

(4) Unless the Council in writing otherwise permits, the bottom edge of the sign when suspended shall be horizontal and the supports by means of which the sign is suspended, shall be an integral part of the design of the sign.

## **7. SIGNS ON VERANDAS AND CANOPIES OVER STREET**

(1) Save as herein before provided with regard to hanging signs, every sign affixed to or onto a veranda over a street shall be set parallel to the building line.

(2) Such signs shall not exceed 600mm in depth and shall be fixed immediately above the eaves of the veranda roof in such manner as not to project beyond the rear of the roof gutter or shall be fixed against but not above or below the veranda parapet or balustrade in such manner as not, to project more than 230mm from the outside face of such parapet or balustrade: Provided that

(a) a sign on a public building fixed to or on a veranda over a street and which displays only the features or programme of an entertainment to be given in such public building shall:

(i) have a maximum area of 1m in the aggregate for every 1.5m or part thereof of the frontage of such building to the street over which the sign is erected;

(ii) not exceed 1.2m in height.

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

## 8. PROJECTING SIGNS

- (1) All projecting signs shall be set at right angles to the building line and shall be fixed at a height of not less than 2,75m above the pavement.
- (2) Save as is provided in sub-clause (3), no projecting signs shall exceed 600mm in height, nor project more than 900mm from the building to which they are attached.
- (3) Notwithstanding the provisions of sub-clause (2), larger projecting signs may be erected: Provided:
  - (a) the owner of the building or the person for whom the sign is being erected shall make application for and assume at responsibility in connection with such sign, including maintenance, an annual inspection to satisfy himself regarding its safety and liability for all loss or damage caused to any person or property by reason of or in any way arising out of the erection, maintenance or existence of such sign;
  - (b) the design thereof shall be to the satisfaction of the Council, and it shall comply in all respects with this By-Law;
  - (c) such sign shall be fixed at right angles to the street and the front of the building upon which it is erected;
  - (d) such sign shall be constructed of metal framing and covered with metal sheeting and shall not exceed 300mm in depth from face to face;
  - (e) such sign shall not exceed a mass of 450kg or 675kg in the case of a sign consisting only of the name of a central public entertainment building;
  - (f) such sign shall not exceed 9m in height or 1.5m total projection from the building, or in the case of a sign consisting only of the name of a central public entertainment building, 14m in height and 1.8m in total projection from the building: Provided that this paragraph shall not apply to any sign which has been erected prior to the date of the publication hereof;
  - (g) the sign shall be supported, by at least four iron brackets properly fixed to the building, any two of which shall be capable of carrying the whole mass of the sign, together with wind pressure, against which pressure the sign shall be satisfactorily braced and stayed;
  - (h) upon receipt of a notification by the Council under the hand of the Building Control Officer that such sign is unsafe, it shall be removed forthwith by the applicant without any compensation by the Council whatsoever;
  - (i) the owner of such sign shall sign a form declaring himself to accept, and be bound by, the above conditions.

## **9. PYLON SIGNS**

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

## **10. SIGNS INDICATING THE DEVELOPMENT OF A TOWNSHIP OR PROPERTY**

- (1) No sign referring to the laying out or development of any land as a township or to the disposal of any erven in a township or a property development shall be erected prior to the land-use rights being promulgated.
- (2) No sign referring to the laying out or development of any land as a township or to the disposal of any erven in a township or a property development shall exceed 12m<sup>2</sup>, with a maximum erected height of 6m.
- (3) Any approval granted in respect of such a sign in terms of Clause 2, shall lapse after the expiry of one year after the date of such approval, unless an extension has been granted by the Council.
- (4) The sign must be located on the site of the proposed township or property development.
- (5) The Council may approve a larger sign or hoarding for a particular development after taking into consideration the size of the development which must be 5ha or larger on condition that approval shall lapse after the expiry of one year after the date of such approval.
- (6) All signs must be removed within three months of a development being completed or occupied.

## **11. SIGNS FLAT ON BUILDINGS**

- (1) The total area of any sign placed flat on the front wall of a building facing a street shall not exceed 20m<sup>2</sup> for every 15m of building frontage to the street which such sign faces with a maximum area of 200m<sup>2</sup>.
- (2) The maximum projection of a sign referred to in sub-clause (1) over the footway or ground level shall be 75mm where such sign is less than 2,4m above the sidewalk or ground level immediately below such sign and 230mm where such sign is more than 2,4m above such footway or ground level
- (3) Signs placed flat on a wall of a building not being a wall contemplated in sub-clause (1), shall not exceed 20m<sup>2</sup> in total area, unless located in a commercial or industrial zone.
- (4) Notwithstanding the provisions of sub-clause (1) and (3), the Council may where it considers it desirable in the interests of the aesthetic appearance of the building/wall on which the sign is placed or of the neighbourhood of such building/wall, permit or require the dimensions of any such sign to be greater than those prescribed.

## 12. REQUIREMENTS FOR SKY SIGNS

- (1) Two or more sky signs placed one above the other, whether or not in the same vertical plane shall, for the purposes of, this Clause, be deemed to be one sign.
- (2) In areas of maximum or partial control (as defined in the Councils Outdoor Advertising Policy and Code of Practice) every sky sign shall be set against a screen complying with the requirement of Clause 13.
- (3) No part of a sky sign shall protrude beyond, above or below the edge of the screen required in terms of sub-clause (2).
- (4) If the number of storeys contained in that part of a building which is directly below a sky sign as set out in column 1 of the following table, the maximum vertical dimension of such is recommended not to exceed the dimension specified opposite such number in column 2 of that table:

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

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

### **13. SCREENS FOR SKY SIGNS**

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

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

### **14. SIGNS ON BUILDINGS USED FOR RESIDENTIAL PURPOSES**

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

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

(b) not be internally illuminated;

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

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

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

## **15. SIGNS ON AWNINGS**

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

## **16. SUN-BLINDS**

(1) All sun-blinds shall be so made and fixed as to be incapable of being lowered to within 2m of the footway or pavement.

(2) Except at street intersections, sun-blinds shall only be placed parallel to the building line.

(3) At street intersections, sun-blinds, both new and existing, shall be so placed that they shall not cause any interference with vehicular or pedestrian traffic, traffic lights, street name plates or other notices for the guidance of the public.

## **17. SIGNS NOT TO BE FIXED TO VERANDA COLUMNS**

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

## **18. SIGNS REGARDED AS TENANCY AT WILL**

(1) Any person erecting or possessing signs on or over any street, footway or pavement shall be regarded a tenant at will of the Council in respect of such signs and, if instructed by the Council to remove any or all of them, shall do so either within 14 days if the sign is fixed to a pole or other structure, or immediately if the sign is free standing and portable, without any compensation either for direct, indirect or consequential damages.

(2) The Council may remove such signs in the event of non-compliance with such instruction or if they are not in accordance with this By-Law, and the expenses of such removal shall be recoverable in the ordinary process of law from the owner of the building or from the person to whom the signs belong.

#### **19. ADVERTISEMENTS ON BANNERS OR SIMILAR ITEMS**

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

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

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

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

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

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

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

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

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

(6) No banner approved in terms of this Clause may be larger than 6m<sup>2</sup>.

## **20. ADVERTISEMENTS ON BALLOONS**

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

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

## **21. PAINTED ADVERTISEMENTS**

- (1) Subject to the provisions of sub-clause (2), no sign shall be painted directly on to any building, canopy, column, boundary wall, post or structure, other than on the external or internal surface of a window.
- (2) Subject to the approval of the Council in terms of Clause 2, the name of any person or company carrying on business in a building may be painted directly on any approved wall of such building.
- (3) Subject to the approval of the Council in terms of Clause 2 murals with advertising painted directly onto any approved surface may be considered on merit.

## **22. TEMPORARY SIGNS AND ADVERTISING**

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

per Erf/ Stand;

(b) any one sign per street frontage not exceeding 600mm x 450mm in size, which contains only the word "Sold" in respect of any dwelling house, or residential building, and which:

(i) is displayed only after all signs referred to in paragraph (a) have been removed;

(ii) is placed on or fixed to the building concerned, or is attached to a boundary fence of the Erf/ Stand on which the building is situated or is otherwise displayed within the boundaries of such Erf/ Stand;

(c) any sign not exceeding 6m<sup>2</sup> fixed flat on the facade of a non-residential building which contains only the words "For Sale" or "To Let" and the name, address and telephone number for the selling or letting agent, or only the lettering for the word "Sold" with a maximum of one sign per building for a period not exceeding three months.

(d) any sign not exceeding 600mm x 450mm in size, displayed on a vacant residential Erf/ Stand and which displays only the words "For Sale" and the name, address and telephone number of the owner or his agent, or only the word "Sold". Such signs shall be limited to one sign per agency with a maximum of three agencies per Erf/ Stand for a maximum period of two months;

(e) Any sign not exceeding 6m<sup>2</sup> in size on a vacant non-residential Erf/ Stand and which displays only the words "For Sale" or "To Let" and the name, address and telephone number of the owner or his agent or only the word "Sold" and no other wording whatsoever with a only one sign per Erf/ Stand for a maximum period of three months.

(f) any directional sign displayed by the Automobile Association of Southern Africa or any other approved body advertising a particular event.

(2) Any sign, or banner not exceeding 4m<sup>2</sup> and not more than 3m above the ground, containing letters, figures, advertising emblems or devices, not exceeding 150mm in height, relating solely to an entertainment, meeting, auction or a sale to be held upon or in relation to a certain site, may be displayed upon such site: provided that such sign or banner shall not be displayed for more than one week before the function or event, the date of which must be displayed on the sign or banner, nor remain in position for more than three days after the conclusion of the function or event,

(3) Any selling or letting board(s) requiring the approval of the Council in terms of Clause 2(1) must conform to the design regulations currently in force with these Bylaws.

(4) To consider at the Council's discretion temporary advertising on Council land or land vested in or controlled by the Council for a period not exceeding 30 days for special event signs.

### **23. SIGNS ON AND OVER STREETS**

(1) Every person owning, displaying or causing to be displayed a sign which, or any part of which, overhangs, or is placed on any street shall, on being instructed by notice in writing by the Council to do so,

remove it within twenty four hours from the date of such instruction or within such longer period specified in such notice without payment of any compensation.

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

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

## 24. BILLBOARDS

(1) Any billboard displayed may not:

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

(2) Road intersections - a maximum of 2 single-sided advertising boards per intersection may be permitted.

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

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

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

(6) Safety conditions:

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

(a) Signalised intersection -

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

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

(b) Illumination -

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

(c) Erection and servicing on public roads -

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

(d) Prohibited areas on motorways -

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

(7) Site identification –

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

(8) Maintenance -

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

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

Areas of partial control - 40m<sup>2</sup>

Areas of minimum control - 81m<sup>2</sup>

(Areas of control defined in the Councils: Outdoor Advertising Policy and Code of Practice and the SAMOAC guideline document)

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

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

## **25. TRANSIT SIGNS**

(1) Transit advertising signs shall only, be permitted to be displayed if mobile at all times and comply with all requirements of Road Traffic legislation.

(2) The parking of a transit advertising sign on Council or private property for the purposes of third-party advertising is prohibited.

(3) Transit advertising signs parked on private property for the purpose of storage shall be positioned in such a manner as not to be visible from a street or public place.

(4) Notwithstanding the provisions of sub-clauses (1), (2) and (3) or otherwise in contravention of this By-Law, the Council or its authorised agent may, without prior notice, carry out the removal and impoundment of such transit advertising sign.

(5) A transit advertising sign impounded by the Council may be released in terms of Clause 33 (5)(a) within a period of 3 months of notification or such sign shall be disposed of by Council to defray any fines or removal costs involved.

(6) A transit advertising sign impounded by the Council shall only be released after the removal cost and fine are settled in full and a copy of the current license registration papers have been submitted for verification.

## 26. POSTERS

(1) (a) No person shall in, or in view of, any street display or cause or allow it to be displayed any poster unless he has first obtained the written permission of the Council;

(b) No permission shall be given for the display of any poster concerning any commercial undertaking or activity or concerning any activity which, in the opinion of the Council, is primarily or mainly of a commercial character.

(2) Every application for permission required in terms of sub-clause (1) shall be accompanied by an application fee or a deposit as determined by Council, and written details of the townships and streets in which the posters are to be displayed and all the posters to which the application relates: Provided that for National, Provincial or Municipal elections only one poster need be submitted and an application fee paid by each candidate as determined by Council Provided that for National, Provincial or Municipal referendums only one poster need be submitted and an application fee paid by each registered political party as determined by Council

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

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

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

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

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

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

(d) every poster other than a parliamentary, provincial or municipal election or referendum poster shall be displayed in a permanent frame or other approved backing, of a design and in a predetermined location approved by the Council. The maximum size for frames shall not exceed :

Advertising posters 900mm high x 600mm wide; (A1 size)

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

- (e) every parliamentary, provincial or municipal election or referendum poster shall be attached to a board made of wood, hardboard, cortex or other approved weather proof material, in such a manner that it will not become wholly or partially dislodged by wind or rain, and neither the board nor poster shall exceed 900mm high x 600mm wide or be less than 600mm high x 450mm wide, and secured only to an electric light standard erected by the Council or the State in a street or public place: Provided that such board is secured to such light standard by means of stout string or plastic ties only (no securing material with a metal content is permitted);
- (f) the 'frame' referred to in paragraph (d) shall not be placed on or against or attached to or otherwise supported by any transformer box, telegraph pole, tree, road traffic sign or other sign or object with the exception of an electric light standard erected by the Council or the State in a street or public place, provided such frame is secured to such light standard in such a manner (to the approval of the Council) that it will not become wholly or partially dislodged by wind or another means, and positioned in such a manner that it does not obscure or interference with the electrical inspection chamber or pole identification number or impair the safety of motorists or pedestrians, maximum of 2 frames per pole. No frame shall be erected within 10m of a traffic signal unless the prior approval of the Council has been obtained;
- (g) no poster relating to a meeting, function or event, other than a National, Provincial or Municipal election or referendum shall be displayed for longer than ten days before the date on which such meeting, function or event begins or longer than four days after the date on which it ends;
- (h) no poster relating to a parliamentary, provincial or municipal election or to a specific candidate in such election or a poster relating to a referendum shall be displayed for longer than the period extending from the beginning of either the date, of nomination or the date of proclamation in the Government Gazette declaring that a referendum is to be held, as the case may be, to the end of the tenth day after the date of such election or referendum: Provided that posters not relating to a specific candidate may also be displayed for a period no longer than that extending from a date fourteen days prior to either nomination day or the date of proclamation in the Government Gazette declaring a referendum is to be held, as the case may be, to the end of the fifth day after the date of such election;
- (i) subject to the discretion of the Council, not more than 2000 posters shall be displayed at any one time in relation to any meeting, function or event, other than a National, Provincial or Municipal election or referendum or a meeting relating to an election or referendum;
- (j) in respect of each candidate not more than 1000 posters or other advertisements shall be exhibited at any one time in any municipal ward or as otherwise directed by Council; in respect of a referendum not more than 5000 posters or other advertisements per registered political party shall be so exhibited in the municipal area of the Municipality or otherwise directed by Council.
- (k) the details of the event, the commencement and final date of the event and the venue with address where it is to be held must appear on the posters in letters not less than 50mm in height and 10mm in

thickness, with all other information pertinent to the event in letters not less than 30mm in height and 5mm in thickness;

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

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

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

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

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

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

(a) is placed entirely inside private premises;

(b) is displayed in or on a motor vehicle;

(c) is displayed at the committee room clearly marked as such, of a candidate in an election; or

(d) fixed to an advertising hoarding for which approval has been granted in terms of Clause 2.

(5) Any poster which is displayed without permission or in contravention of this Clause may without notice be removed and destroyed by the Council or persons appointed by the Council. Any costs incurred by the Council in the removal will be borne by the person who displayed the poster or caused, or allowed it to be displayed.

## **27. FIXING OF SIGNS AND HOARDINGS**

(1) All signs and hoardings shall be properly constructed of the requisite strength and shall, be securely fixed to the satisfaction of the Council.

(2) The person by whom such signs and hoardings are erected and the owner of the fixture on which or to which they are attached shall assume all liability and responsibility in connection therewith, including maintenance, and shall undertake at least one annual inspection thereof with a view to satisfying themselves as to the safety thereof.

(3) Every sign or hoarding shall be repainted and cleaned regularly in order to prevent them from becoming unsightly.

(4) The Council may require certification by a person as defined in Clause 2(5) that the installation is structurally safe.

## **28. DESIGN REQUIREMENTS FOR SIGNS**

Regulations for Clause 2(12)

### **(1) Definitions**

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

### **(2) Design requirements**

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

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

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

(i) the letters are not specially illuminated;

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

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

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

### **(3) Sign formats**

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

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

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

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

## **30. POWER CABLES AND CONDUITS TO SIGNS**

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

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

### **31. ERECTION AND MAINTENANCE OF ADVERTISING SIGNS AND HOARDINGS**

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

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

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

### **32. NATIONAL BUILDINGS REGULATIONS**

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

### **33. CHARGES**

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

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

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

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

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

- (i) per poster (unpasted) R 100,00
- (ii) per poster (pasted) R 500,00
- (iii) per poster (flyposter) R1 000,00
- (iii) Saturdays relevant charge plus 50%
- (iv) Sundays relevant charge plus 100%
- (4) Spot fines to a maximum of R5000.00 may be served by duly authorised officials of the Council on offenders for any contravention or failure to comply with the terms of this By-Law.
- (5) Any signs or advertising boards which have been removed and impounded but not destroyed by the Council as a result of them not complying with these Bylaws may be released to the original owner at the following rates:
  - (a) transit advertising signs may be released at the cost of removal with a minimum fee (as stipulated on Tariff & Charges) advertising display or part thereof;
  - (b) for all other signs the charge will be the cost of removal with a minimum fee (as stipulated on Tariff & Charges) of advertising display or part thereof;
  - (c) signs removed and not released within 3 months shall be disposed of by the Council.

#### **34. DAMAGE TO COUNCIL PROPERTY**

- (1) No person shall intentionally or negligently, in the course of erecting or removing any sign, advertising hoarding, poster or banner cause damage to any tree, electric standard or service or other Council installation or property.
- (2) The costs for any repairs necessary will be for the account of persons in terms of Clause 38.

#### **35. ENTRY AND INSPECTION**

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

#### **36. OFFENCES**

Any person who -

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

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

### **37. PRESUMPTIONS**

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

- (a) it shall be deemed that he either displayed such advertising sign, hoarding or poster or caused or allowed it to be displayed;
- (b) the owner of any land or building on which any advertising sign, hoarding or poster was displayed, shall be deemed to have displayed such advertising sign, hoarding or poster or caused or allowed it to be displayed;
- (c) any person who was either alone or jointly, with any other person responsible for organizing, or was in control of, any meeting, function or event to which a sign or poster relates, shall be deemed to have displayed every sign or poster displayed in connection with such meeting, function or event or to have caused or allowed it to be displayed;
- (d) any person whose name appears on an advertising sign, hoarding or poster shall be deemed to, have displayed such advertising sign, hoarding or poster or to have caused or allowed it to be displayed unless the contrary is proved.

### **38. REMOVAL OF ADVERTISING SIGNS OR HOARDINGS**

- (1) If any advertising sign or hoarding is displayed so that in the opinion of the Council it is detrimental to the environment or to the amenities of the neighbourhood, or otherwise in contravention of these Bylaws, the Council may request or serve a notice on the owner of the advertising sign or hoarding to remove such advertising sign or hoarding or carry out such alteration thereto or do such work as may be specified in such request or notice within a time specified,
- (2) If a person fails to comply with a confirmed request or a notice referred to in sub-clause (1), the Council or its authorised agent may remove such an advertising sign or hoarding.

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

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

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

(a) constitutes a danger to life or property;

(b) is obscene;

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

### **39. SERVING OF NOTICES**

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

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

### **40. PUBLIC NOTICE OF APPLICATION**

(1) The applicant shall cause a notice containing the details of his application as prescribed in Schedule 1 to this By-Law, to be published once a week for two consecutive weeks in an English language – and one other official language newspaper circulating in the area of the Erf/ Stand or site to which the application relates.

(2) The applicant shall post a notice in English and one other official language in such form as prescribed in Schedule 2 to this By-Law in a conspicuous place and within 3 metres from the proposed siting of the sign/hoarding or in such other place, form and manner as may be determined by the Council. Such notice

shall be maintained by the applicant for a period of at least 14 days from the date of the first publication of the notice contemplated in sub-clause (1) above.

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

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

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

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

#### **41. HEARING**

(1) Where objections have been lodged in respect of the application, the Council shall, hear the objections or representations.

(2) Where such objections lodged are to be heard by Council, the council shall determine a day, time and place for the hearing.

(3) Not less than 14 days prior to the day determined in terms of sub-clause (2), the Council shall notify the applicant and every objector of the day, time and place so determined.

(4) At the hearing the Council shall adopt its own procedure in compliance with the rules of natural justice.

#### **42. APPEALS**

(1) An applicant or objector who is aggrieved by the Council's decision may appeal against that decision and shall give written notice of the appeal including the grounds of appeal to the Municipal Manager within 21 days of the date of the notification of the decision in terms of Clause 2(8).

(2) A committee of Councillors who were not involved in the original decision will be the appeal authority.

(3) Such appeal authority must commence with such an appeal within six weeks from date of the Notice of Appeal and decide the appeal within a reasonable period.

#### **43. DETERMINATION OF CHARGES FOR ADVERTISING SIGNS AND HOARDINGS**

In terms of Section 11(3) of the Municipal Systems Act, 32 of 2000 read with Section 10(7)(7) of the Local Government Transition Act, 209 of 1993. It is hereby notified that the Municipality has amended its Determination of Charges for Advertising Signs and Hoardings with effect from 1 July 2013 as set forth hereunder.

#### **44. TARIFF OF CHARGES: ADVERTISING SIGNS AND HOARDINGS**

- (a) In terms of Section 2(1) (i.e. applications or signs set out in Sections 6 to 16 and 20 to 23 inclusive) the approval fee is as per applicable municipal tariffs of advertising payable per application.
- (b) In terms of Section 19(3) (i.e. advertisements on banners or similar items) an application fee is as per applicable municipal tariffs payable per application.
- (c) In terms of Section 26(2) (i.e. posters) –
  - (i) an application fee is as per applicable municipal tariffs payable per application per poster be paid to permit the display of posters of non-profit bodies only. These posters have to display the fundraising numbers of the bodies or a formal constitution has to be submitted to Council. No commercial advertising and logos of sponsors will appear on posters;
  - (ii) an application fee for posters is as per applicable municipal tariffs payable per application with a set minimum fee be paid to permit the display of posters for religious, sporting, social and cultural events, with commercial advertising and logos of sponsors. The commercial advertising shall not exceed 20% of the area of the poster, not is any lettering to be larger than any other lettering;
  - (iii) an application fee is as per applicable municipal tariffs payable per application per candidate (fully refundable on removal) for a National, Provincial or Municipal election;
  - (iv) an application fee is as per applicable municipal tariffs payable per application per registered political party. (fully refundable on removal) for a Parliamentary, Provincial or Municipal referendum; and
- (d) In terms of Section 24 (Billboards, Spectaculars or any sign in excess of 24sq.m as defined in Section 1) an application fee as per applicable municipal tariffs payable per application is required for consideration of approval with a further amount of set by the municipality per square metre of advertising display payable for a five year approval by council irrespective of whether the sign is erected on private or Council land.

#### **45. NAME AND COMMENCEMENT DATE**

- (1) This By-Law will be known as **Ratlou Local Municipality: Advertising Signs and Hoarding By-Law 2013.**
- (2) This Advertising Signs & Hoarding By-Law will come into effect on date of publication on Provincial Gazette.

**LOCAL AUTHORITY NOTICE 236**  
**RATLOU LOCAL MUNICIPALITY**  
**BUILDING REGULATION BY-LAW 2013**

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**Ratlou Local Municipality** has passed this by-law that was introduced in terms of Section 12 of the Municipal Systems Act (Act 32 of 2000) as per **Resolution 29/ 2013** during a statutory Council meeting held on 30 May 2013.

**The objective of the by-law is to regulate the construction of building within the area of jurisdiction of the municipality and to provide for matters connected therewith.**

Be it enacted by the Municipal Council in terms of Section 11 (3) (m) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as follows:-

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2. Scope of By-Law

**PART C  
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**BUILDINGS**

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**SCHEDULE II**

LIMITS OF CONCENTRATION OF CERTAIN SUBSTANCES

**PART A  
DEFINITIONS**

**1. Definitions**

In this By-Law all words and phrases, except the words and phrases defined in this By-Law, have the same meaning as in the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), the National Building Regulations made under the Act and the user's code of practice for the application of the National Building Regulations, namely SANS 10400/SABS 0400:1990, and, unless the context indicates otherwise –

**"Adequate"** means adequate in the opinion of the Municipality, regard being had in all cases to all the circumstances of a particular case and to the accepted principles of drainage installation and, in the case of any appliance, fitting or other object, to the purpose such appliance, fitting or object is intended to serve;

**"Antisiphonage Pipe"** means a pipe or portion of a pipe provided to protect, by ventilation, a water seal or trap against unsealing through siphonage or back pressure;

**"Approved"** means approved by the Municipality, regard being had in all cases to all the circumstances of a particular case and to the accepted principles of drainage installation and, in the case of any appliance, fitting or other object, to the purpose such appliance, fitting or object is intended to serve;

**"Cleaning Eye"** means an access opening to the interior of a discharge pipe or trap which is provided for the purpose of internal draining and which remains permanently accessible after completion of a drainage installation;

**"Communication Pipe"** means a pipe leading from a main to the premises of a consumer as far as that street boundary of the premises which is situated nearest to the main or, where a meter is installed inside the premises, as far as the inlet of the meter;

**"Connecting Sewer"** means that part of a sewerage system which is vested in the Municipality and by means of which a drain is connected to the Municipality's sewer;

**"Connection"** means the point at which a drain is connected to a connecting sewer;

**"Conservancy Tank"** means a tank which is used for the retention or temporary retention of the discharge from a drainage installation and which is emptied at intervals;

**"Consumer"** means -

- (a) the owner or occupier of any premises to which the Municipality has contracted to supply water;
- (b) a person who has entered into a contract with the Municipality for the supply of water; or
- (c) a person who lawfully obtains water from the Municipality;

**"Drain"** means that portion of a drainage installation on any premises, other than a soil-water pipe, waste-water pipe, ventilation pipe or anti-siphonage pipe, which is vested in the owner of the premises and which has been laid in the ground and is used or intended to be used for conveying sewage to a connecting sewer, a common drain, a conservancy tank or a septic tank situated on the premises;

**"Drainage Installation"** means an installation vested in the owner of premises and includes a drain, soil-water pipe, stack, waste-water pipe, ventilation pipe, anti-siphonage pipe, soil-water fitting, waste-water fitting, mechanical appliance or any other appliance or fitting or combination thereof for collecting and conveying sewage;

**"Drainage Work"** means the construction or reconstruction of a drainage installation or the alteration of or addition to a drainage installation, or any work done in connection with a drainage installation, but does not include any work undertaken solely for repair or maintenance purposes;

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

**"Industrial Effluent"** means any liquid, whether or not containing matter in solution or suspension, which is emitted in the course of or as a result of any trade or industrial operation, including a mining operation, and includes any liquid besides soil water or waste water or stormwater;

**"Main"** means a pipe, aqueduct or other work which is under the exclusive control of the Municipality and which is used by the Municipality for the purpose of conveying water to consumers, but does not include a communication pipe;

**"Municipality or Council"** means

- (a) the Ratlou Local Municipality established by a notice on the *Provincial Gazette* in terms of the provisions of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), as amended, 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 this By-Law has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or
- (d) a service provider fulfilling a responsibility under this By-Law, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000, or any other law, as the case may be.

**"Owner"** means -

- (a) the person who receives the rent or profits of land or property from a tenant or occupier of the land or property, or who would receive the rent or profits if the land or property were leased, whether for his or her own account or as an agent for a person entitled to the rent or profit;
- (b) where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of the premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative; and
- (c) in relation to -
  - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), the developer or the body corporate in respect of the common property; or
  - (ii) a section as defined in the Sectional Titles Act, 1986, the person in whose name the section is registered under a sectional title deed, and includes the lawfully appointed agent of such person;
- (d) a person who has been granted land rights in terms of a Permission to Occupy (PTO)

**"Piece of Land"** means -

(a) a piece of land registered in a deeds registry as an Erf/ Stand, stand, lot, plot or other area or as a portion or a subdivision portion of such Erf/ Stand, stand, lot, plot or other area; or (b) a defined portion, not intended as a public place, of a piece of land which is held under surface right permit or under mining title or which, being proclaimed land not held under mining title, is used for residential purposes or for purposes not incidental to mining operations;

**"Premises"** means a piece of land, the external surface boundaries of which are delineated on -

(a) a general plan or diagram registered in terms of the Land Survey Act, 1997 (Act 8 of 1997), or in terms of the Deeds Registries Act, 1937 (Act 47 of 1937); or

(b) a sectional plan registered in terms of the Sectional Titles Act, 1986;

**"Purified Sewage Effluent"** means water discharged from a water care works after purification of the water, either into a watercourse or for purposes of re-use;

**"Sanitary Fitting"** or **"Sanitary Appliance"** means a soil-water fitting or waste-water fitting;

**"Septic Tank"** means a tank designed to receive sewage and to effect the adequate decomposition of organic matter in the sewage by bacterial action;

**"Sewage"** means soil water, waste water or industrial effluent, whether separately or together;

**"Sewer"** means a pipe with fittings which is vested in the Municipality and is used or designed or intended to be used for or in connection with the conveyance of sewage;

**"Soil Water"** means a liquid containing human or animal excreta;

**"Soil-water Fitting"** means a fitting that is used to receive and discharge soil water;

**"Soil-water Pipe"** means a pipe, other than a drain, that is used to convey soil water with or without waste water;

**"Stack"** means the main vertical component of a drainage installation or any part thereof other than a ventilation pipe;

**"Stormwater"** means a liquid resulting from natural precipitation or accumulation, and includes rainwater, spring water and groundwater;

**"Tariff"** means the tariff of charges for the Municipality's sewerage services, as determined by the Council of the Municipality from time to time, acting under the powers delegated to the Council in terms of section 80B of the Local Government Ordinance (Ordinance 17 of 1939);

**"Trap"** means a pipe fitting or a portion of a sanitary appliance that is designed to retain a water seal in position;

**"Ventilation Pipe"** means a pipe or portion of a pipe which leads to the open air at its highest point and which does not convey any liquid, but which is used to ventilate a drainage installation in order to prevent the destruction of water seals;

**"Waste Water"** means used water that has not been polluted by soil water or industrial effluent, but does not include stormwater;

**"Waste-water Fitting"** means a fitting that is used to receive and discharge waste water;

**"Waste-water Pipe"** means a pipe, other than a drain, that is used to convey waste water only;

**"Water Care Works"** means a water works for the purification, treatment or disposal of effluent; and

**"Water Seal"** means the water in a trap which serves as a barrier against the flow of foul air or gas.

## **PART B**

### **SCOPE OF BY-LAW**

#### **2. Scope of by-law**

(1) This By-Law are supplementary to the National Building Regulations and are applicable to every building, sewerage installation and water installation and, in relation to any sewerage installation or water installation in particular, to the operation and maintenance of such installation in any new building or existing building, with or without any alteration of or addition to the existing installation, whether or not such alteration or addition is required by the Municipality in terms of the National Building Regulations or this By-Law.

(2) Any building, sewerage installation or water installation may at any time after its completion and commissioning be subject to such inspection, approval, tests and control as the Municipality may deem fit or require.

## **PART C**

### **STREETS AND PAVEMENTS**

#### **3. Catheads, cranes and platforms**

A cathead, lifting crane, platform or other similar device may not overhang any street or sidewalk without the special consent of the Municipality.

#### **4. Slab footways and pavements**

(1) The owner or occupier of a piece of land adjoining a street may lay or construct a slab footway or pavement on that portion of the verge of the street which is intended for exclusive use as a street sidewalk.

(2) The paving or slabs for a slab footway or pavement referred to in subsection (1) must be laid to the grade, line and crossfall determined by the Municipality and must meet the following further requirements:

(a) For ordinary paving or slabs the minimum crossfall is 1:100 and the maximum crossfall is 1:25.

(b) Non-skid paving or non-skid slabs of a type to be approved by the Municipality must be used when the crossfall is between 1:25 and 1:15, provided that the crossfall does not exceed 1:15.

(c) Longitudinal grades may not be steeper than 1:25 for ordinary paving or ordinary slabs, and non-skid paving or non-skid slabs must be used for longitudinal grades of between 1:25 and 1:15, provided that the longitudinal grade does not exceed 1:15.

(3) If, in respect of a slab footway or pavement referred to in subsection (1), a vehicular opening is formed in a kerb or an intersecting footway or pavement, the opening must be paved or slabbed.

(4) The Municipality may impose such conditions as it deems necessary in respect of a slab footway or pavement referred to in subsection (1), with due regard to public safety, the preservation of municipal property and all other relevant circumstances.

#### **5. Plants on street verges**

(1) The owner or occupier of a piece of land adjoining a street may grade and plant with grass the area lying between such piece of land and that part of the street that is intended, laid out or made up for the use of vehicular traffic.

(2) The owner or occupier of a piece of land adjoining a street may plant with flowers or small shrubs a strip of land not exceeding 1 m in width immediately adjoining the piece of land.

(3) The Municipality may, due regard being had to public safety, the preservation of municipal property and all other relevant circumstances, impose such conditions as it deems necessary in respect of the planting of grass, flowers and small shrubs as contemplated in subsections (1) and (2).

#### **6. Street gutter bridges**

No person may without the express permission of the Municipality bridge over or enclose any gutter or stormwater drain that is under the control of the Municipality.

### **BUILDINGS**

#### **7. Encroachments**

With the consent of the Municipality -

- (a) a cantilevered overhanging roof may be erected over a street boundary or building line, at a height of at least 2,75 m above the finished ground level, measured from the finished ground level to the lowest point of the overhanging roof;
- (b) foundations that are at least 0,75 m under the ground level may exceed a street boundary or building line by a maximum of 0,5 m; (c) a sunshade or overhead lamp may exceed a street boundary or building line, provided that there is a head clearance of at least 2,1 m, measured from the finished ground level to the lowest point of such sunshade or overhead lamp; and
- (d) a projection from any eaves may exceed a street boundary or building line.

#### **8. Restriction on the erection of buildings within the one-in-fifty-year flood-line**

- (1) No building may without the express permission of the Municipality be erected so that the building is, at its nearest point to a natural watercourse, nearer to the centre of the natural watercourse than to a line indicating the maximum level likely to be reached every fifty years on average by flood water in the watercourse.
- (2) For the purpose of subsection (1) the Municipality is the sole judge as to the position of the line and of the centre of the natural watercourse.
- (3) For the purpose of this section, a natural watercourse means a topographic land depression that collects and conveys surface stormwater in a definite direction, and includes any clearly defined natural channel that conveys water in a definite course along a bed between visible banks, whether or not the channel's conformation has been changed by artificial means and whether or not the channel is dry during any period of the year, and such channel includes any river, spruit or stream.

### 8.1. Building Activities that need Approval from the Municipality

Generally building activity that needs approval of the Municipality includes the following:

- **constructing a new building** or other structures such as sheds, towers, temporary structures
- **extending** existing buildings
- **undertaking alterations** to an existing building including structural alterations, altering internal walls and partitions
- **installing new or altering existing services** such as electrical or hydraulic works
- **demolishing or removing buildings**, engineering works or services
- **installing** signs, antennas, some fences

### 8.2. Construction of Unapproved Building Plans

Any proposed use or development on the Erf/ Stand requires the approval of the Municipality. This includes any construction or demolition of a building, carrying out of any internal alterations to a existing building, or the carrying out of works on the Erf/ Stand.

The Municipality is responsible for the following in accordance to the Building Regulations By-Law:

- Responsible for processing and approving building plans presented by individuals, the private sector, associations and Government Agencies
- Inspect building constructions from time to time and declare the building fit for occupations upon its completion.
- Control unapproved building construction/connection and prepare reports, issue notices and initiate legal action.
- Issue temporary permits for temporary building applications, work garage buildings, placement of construction materials, erecting tents, film shows and so on.
- Issue compounds for violations such as building stalls, temples and placement of building materials within public areas.

Applications will not be assessed until all relevant plans, elevations and supporting information is submitted and the appropriate application fee is paid

The primary responsibility of the Municipality is to assess land use and development proposals against the requirements of the Land Use Plan.

Upon receipt of an application the Municipality will first check that the application submission requirements have been met. Once the Municipality is satisfied that the appropriate information has been submitted, a preliminary assessment of the application will be made to ensure that the proposal is broadly consistent with the requirements of the Land Use Plan. The application will then be referred to relevant referral authorities.

Where appropriate, the comments/requirements of referral authorities may be addressed via conditions on the planning permit issued by Municipality

Once authorities have commented upon an application the Municipality will prepare a report and recommendations on the proposal for consideration. Where appropriate this will include additional conditions that address the requirements of authorities,.

Subject to Municipality adoption of the recommendation, a planning permit and/or approval will be issued for the development.

Once the Municipality has granted planning approval, a building approval is required to be obtained from the Municipality. The Municipality is required to make an assessment of the development against the Building Regulations By-Law and any other relevant Legislation. Importantly the Building Regulations By-Law prevents the Municipality officials from issuing any approval which is not consistent with the approved Master Plan.

### **8.3. Exemptions from Requiring Building Approval**

There are numerous minor works that may not require formal building approval but will still require a minor work order. Examples are:

- minor painting
- some minor landscaping works
- some minor repair and maintenance works
- works that the Municipality deems to be minor.

**Advice is to be sought from the Municipality, who will liaise with the individual as to whether the proposed works are exempt. No works are to commence until advice, is sought.**

#### **8.4. Building Approval Requirements**

An application for building approval is required to be lodged with the responsible Municipality official who will forward it with appropriate comment to the Director responsible for spatial planning. Generally this will require an application form to be completed, appropriate drawings and or details to be submitted depending on the extent of the works and payment of the application fee which is based on the cost of works. Prior to the building approval being issued, consent for the works must be issued by Municipality.

#### **8.5. Certificates of Occupancy**

Before a building may be occupied or used a Certificate of Compliance for Occupancy/ Use is required to be obtained from the Municipality. This allows individual to legally occupy or use the building or works you have just completed.

#### **8.6. Penalties for Construction of Unapproved Building Plans**

This Building Regulations By-Law gives authority to the responsible Municipality official to issue on-the-spot fines for building activity undertaken without formal building approval and for new buildings occupied or used without a Certificate of Compliance.

#### **8.7 Penalties for altering of Existing Structure before Approval**

It should be noted that heavy penalties exist for non-compliance with the Building Regulations By-Law.

This Building Regulations By-Law gives authority to the responsible Municipality official to issue on-the-spot fines for building activity undertaken without formal building approval and for new buildings occupied or used without a Certificate of Compliance.

#### **8.8. Construction of Shacks on Proclaimed Areas and Procedures relating to the termination of Unauthorised Informal Settlements**

(1) As soon as a determination of the status of an unauthorized informal settlement has been made and within a reasonable period, the Director responsible for spatial planning 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 Director responsible for spatial planning 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 the non-recurrence of such land invasion or illegal land occupation.

(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 Director responsible for spatial planning 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 Director responsible for spatial planning 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 Director responsible for spatial planning must, within a period of 24 hours after obtaining the eviction order referred to in subsection (5), deploy the Land Invasion Reaction 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 these bylaws.

(7) Any costs incurred by the Director responsible for spatial planning for the purposes of executing the provisions of this By-Law must be borne by the Municipality in accordance with its approved budget.

### 8.9. Disposal of building materials and personal property

(1) In the execution of the provisions of section 8(8), 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 Director responsible for spatial planning.

(2) If the building materials and other personal property contemplated in subsection (1) are not claimed by their owner within a period of three months after the date of the removal and storage, the building materials and personal property must be sold to the best advantage by the Director responsible for spatial planning, or a person designated by him or her, who must, after deducting the amount of any charges due or any expenses incurred, deposit the net proceeds into the Municipality's Revenue Account, provided that -

(a) subject to the laws governing the administration and distribution of estates, nothing in this subsection contained may deprive the heir of any deceased person of his or her right to the balance of the proceeds of the property; and

(b) any building materials or other personal property which is, in the opinion of the Director responsible for spatial planning, valueless and unable to realise any meaningful amount may be destroyed, abandoned, dumped or otherwise disposed of by the Director responsible for spatial planning.

(3) The Director responsible for spatial planning must compile and maintain a register in which is recorded and appears -

(a) particulars of all building materials or other personal property removed and stored in terms of this By-Law;

(b) the date of the removal and storage of building materials or other personal property in terms of subsection (1) and the name and site or stand number of the owner of the building materials or personal property; and

(c) (i) the signature or left thumb print of the person who is claiming ownership and to whom delivery of building materials or other personal property has been made; or

(ii) full details of the amount realised on the sale of building materials or other personal property in terms of subsection (2) and the date of the sale; and

(iii) if building materials or other personal property has been destroyed, abandoned, dumped or otherwise disposed of in terms of subsection (2), a certificate by the Director responsible for spatial planning to the effect that the building materials or personal property was valueless.

(4) 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.

**9. Relay of stormwater from high-lying erven to lower-lying erven**

If, in the opinion of the Municipality, it is impracticable for stormwater to be drained from a high-lying Erf/ Stand direct to a public street, the owner of a lower-lying Erf/ Stand is obliged to accept and permit the passage of such stormwater over the lower-lying Erf/ Stand. The owner of such high-lying Erf/ Stand from which stormwater is discharged over the lower-lying Erf/ Stand is liable for a proportionate share of the cost of any pipe-line or drain that the owner of the lower-lying Erf/ Stand may find necessary to construct for the purpose of conducting the stormwater so discharged.

**10. Enclosures**

Where a piece of land is enclosed in any manner whatsoever, the enclosure must be designed, erected and maintained in accordance with Schedule I, subject to any other provisions of this By-Law.

**11. Roofs**

(1) Sheet metal that is used for a roof and that is visible from a street or a surrounding Erf/ Stand must be properly painted within 15 months after construction thereof if the Municipality so requires.

(2) No roof surface may have a luminous finish.

**PART D  
SEWERAGE**

**GENERAL PROVISIONS****12. Connection to sewer**

(1) No part of any drainage installation may extend beyond the boundary of the piece of land on which the building or part of the building served by the drainage installation is erected, provided that, where the Municipality considers it necessary or expedient to do so, the Municipality may permit the owner of the piece of land to lay a drain at his or her own expense through an adjoining piece of land on submission of proof of registration of an appropriate servitude or of a notarial deed of joint drainage, as the Municipality may require.

(2) Subject to the provisions of subsection (3), and without prejudice to the provisions of the National Building Regulations regarding the inspection and testing of drainage installations, the owner of any premises must, 14 days before the drainage installation on his or her premises is ready for connection to a connecting sewer, advise the Municipality of his or her intention to connect the drain to a connecting sewer. As soon as the Municipality has provided the connecting sewer, such owner must connect the drain to the connecting sewer at his or her own expense.

- (3) Any alternative or additional connection required by the owner of any premises is subject to the approval of the Municipality and must be effected at the owner's expense.
- (4) No person may permit, for testing purposes, the entry of any substance whatsoever other than clean water into any drainage installation before the drainage installation has been connected to a sewer.
- (5) Except as may be otherwise authorised by the Municipality in writing, no person other than an officer duly authorised to do so may lay and connect any connecting sewer to a sewer.
- (6) The conveyance of sewage from two premises or more by means of a common drain to a connecting sewer may be authorised by the Municipality.

### **13. Disconnection of drainage installations and conservancy and septic tanks**

- (1) If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for the use of a conservancy tank or septic tank is withdrawn, the owner of the premises on which such conservancy tank or septic tank is situated must cause the conservancy tank or septic tank to be disconnected and to be either completely removed or completely filled with earth or other suitable material, provided that the Municipality may require the conservancy tank or septic tank to be otherwise dealt with or may permit it to be used for some other purpose, subject to such conditions as the Municipality may consider necessary, regard being had to all the circumstances of the case.
- (2) After all the requirements of the National Building Regulations in regard to the disconnection of an existing conservancy tank or septic tank on any premises have been complied with and on request of the owner of the premises, the Municipality must issue a certificate to the effect that -
  - (a) the disconnection has been completed in terms of the National Building Regulations; and
  - (b) any sewerage charges prescribed in the tariff and raised in respect of the disconnected portion of the drainage installation will cease to be raised in respect of the disconnected portion with effect from the first day of the month following the issue of the certificate, provided that until the certificate is issued by the Municipality, any such charges will continue to be raised.
- (3) When a drainage installation on any premises is disconnected from the sewer, the Municipality must seal the opening made and must recover from the owner of the premises the cost of the work in accordance with section 14(5).
- (4) Any person who, without the permission of the Municipality, breaks or removes or causes or permits the breakage or removal of a seal effected in terms of subsection (3) is guilty of an offence under this By-Law.
- (5) Where a soil-water fitting has, during the month, been connected to or disconnected from a drainage installation that discharges into a sewer system, the charge as prescribed in the tariff, excluding the fixed charge for every Erf/ Stand, stand, premises or other area that has or has no improvements or that in the opinion of the Municipality can be connected to a sewer, must be calculated as if the connection or

disconnection had been made on the first day of the month following the month in which the connection or disconnection was made.

#### **14. Drainage work that does not meet the requirements**

(1) Where a drainage installation that has been constructed on any premises or drainage work that has been carried out on any premises fails to comply in any respect with any of the provisions of the National Building Regulations or this By-Law, the owner of the premises must, notwithstanding the fact that he or she may have received approval for the plans for the drainage installation or work in terms of the National Building Regulations or previous By-Law, carry out, on receiving written notice from the Municipality, such repairs, replacements, maintenance work or alteration in respect of the drainage installation as the notice may specify and within the time the notice may specify.

(2) If, in the opinion of the Municipality, a nuisance exists as a result of the emission of gas from a trap or sanitary fitting or any other part of a drainage installation on any premises, the Municipality may require the owner of the premises to, at his or her own expense, take such action as may be necessary to prevent the recurrence of the nuisance.

(3) Where any sewage, after being discharged into a drainage installation, enters or overflows a soil-water fitting or waste-water fitting connected to the drainage installation on any premises or leaks out somewhere from the drainage installation, whether by reason of surcharge, back pressure or any other circumstance, the Municipality may by notice in writing require the owner of the premises to carry out within the period specified in the notice the work necessary to abate and prevent any recurrence of such entry, overflows or leakage of sewage.

(4) Instead of serving a notice contemplated in subsection (1) or (3) or where such notice has not been complied with within the period prescribed in the notice, the Municipality may, without prejudice to its right also to prosecute the owner to whom the notice was directed because of an infringement of the National Building Regulations or this By-Law -

(a) itself proceed to carry out such alteration, removal or other work as it may deem necessary for compliance with the provisions of the National Building Regulations or this By-Law; and

(b) recover, in accordance with subsection (5), the cost of the alteration, removal or other work from the owner by the ordinary process of law.

(5) Where any work other than that for which a fixed charge has been determined in the tariff is done by the Municipality, the Municipality is entitled in terms of this By-Law to recover the cost of such work from a person, and there may be included in such cost such claim to be determined by the Municipality as will cover all expenditure reasonably incurred by the Municipality.

## 15. Maintenance

Where any part of a drainage installation is used by two owners of any premises or more or two occupiers of any premises or more, such owners or occupiers are jointly and severally liable in terms of this section for the maintenance and repair of the drainage installation.

## 16. Drain and sewer blockages

(1) No person may cause or permit such an accumulation of grease, oil, fat, solid matter or any other substance in any trap, tank, pipe, drain or fitting as to cause the blockage or ineffective operation of the trap, tank, pipe, drain or fitting.

(2) If the owner or occupier of any premises has reason to believe that a blockage has occurred in any drainage installation on the premises, he or she must immediately inform the Municipality of the blockage and take steps to have it removed.

(3) Where a blockage occurs in a drainage installation, any work necessary for the removal of the blockage must, subject to the provisions of subsection (5), be done by or under the supervision of a plumber or registered person as required by the National Building Regulations in regard to the control of plumbers and plumbing work.

(4) Any plumber or registered person contemplated in subsection (3) must -

(a) before proceeding to remove any blockage from a drainage installation, notify the Municipality by telephone or otherwise of his or her intention to remove the blockage; and

(b) after removing the blockage, notify the Municipality of the removal of the blockage and of the nature, location and cause of the blockage.

(5) The Municipality is entitled at its own discretion to remove a blockage from a drainage installation on any premises and, whether or not it has been requested by the owner of the premises to do so, the Municipality may recover the costs of such removal from the owner in accordance with section 14(5).

(6) Should the removal by the Municipality of any blockage in a drainage installation necessitate the removal or disturbance of any paving, lawn or other artificial surfacing on any premises, the Municipality is not liable for the reinstatement of the paving, lawn or other artificial surfacing.

(7) Should any drainage installation on any premises overflows as a result of an obstruction in the connecting sewer, and should the Municipality be reasonably satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation is liable for the cost of removing the blockage, and the Municipality may recover the cost of the removal from the owner in accordance with section 14(5).

(8) Where a blockage has been removed from a drain or portion of a drain that serves two pieces of land or more, the charge for the removal of the blockage as prescribed in the tariff is recoverable in equal portions

from each of the owners of the pieces of land, provided that the owners are jointly and severally liable for the whole charge.

#### **17. Interference with or damage to sewers and water care works**

Any damage caused to the Municipality's sewer or any part of its sewerage or water care works through or in consequence of noncompliance with or the contravention of any provision of the National Building Regulations or this By-Law must be rectified or repaired by the Municipality at the expense of the person responsible for such noncompliance or contravention or for causing or permitting such noncompliance or contravention, and the cost of rectifying or repairing the damage must be determined by the Municipality.

#### **18. Entry onto premises**

(1) An officer authorised by the Municipality has the right to enter on any premises at any reasonable time in order to take samples of or test sewage or industrial effluent or to carry out such inspection or work in connection with a drainage installation as the Municipality may deem necessary.

(2) The owner or occupier of any premises is guilty of an offence under this By-Law if he or she, in respect of an officer entering on the premises in terms of subsection (1) -

- (a) denies the officer entry to the premises or causes or permits any other person to deny the officer entry;
- (b) obstructs the officer in the performance of the officer's duties or causes or permits any other person to so obstruct the officer;
- (c) withholds information that the officer requires to carry out his or her duties or causes or permits any other person to withhold such information; or
- (d) knowingly gives the officer false information or causes or permits any other person to give the officer such information.

#### **19. Manholes on municipal property**

(1) Where, for any reason whatsoever, the provision of adequate means of access to the Municipality's connecting sewer is impracticable on any private premises, the Municipality may, at the expense of the owner of the premises, cause or permit a manhole to be constructed over the Municipality's connecting sewer in such public place and in such position and of such materials and dimensions as the Municipality may decide, and such owner must bear the cost, as determined by the Municipality, of any alteration to existing services in the public place which may by reason of the construction of the manhole be necessary.

(2) The owner of the private premises referred to in subsection (1) must, if so required by the Municipality, pay rental to the Municipality for the space occupied by the manhole in the public place. Such rental must

be determined from time to time by the Municipality in accordance with the powers delegated to it in terms of section 80B of the Local Government Ordinance, 1939.

## **20. Mechanical food-waste and other disposal units**

(1) No person may incorporate into a drainage installation a mechanical food-waste or other disposal unit or garbage grinder that has a power capacity in excess of 500 W unless a standard water meter has been connected to the supply pipe that provides water to the unit or grinder, provided that -

- (a) the Municipality installs and seals the water meter at the cost of the owner; and
- (b) the Municipality has the right of access to the water meter at all times.

(2) The Municipality may require the owner or occupier of any premises on which a food-waste or other disposal unit or a garbage grinder has been installed, or the owner of such unit or grinder, to remove, repair or replace the unit or grinder if, in the opinion of the Municipality, the unit or grinder is functioning inefficiently or is impairing the working of the Municipality's sewerage system.

(3) The owner or occupier referred to in subsection (2) must, upon the removal of the unit or grinder, notify the Municipality within 14 days of the removal.

(4) The charges as prescribed in the tariff must be paid in respect of the discharge of a food-waste or other disposal unit or a garbage grinder referred to in subsection (1).

## **PREVENTION OF WATER POLLUTION**

### **21. Sewage and other pollutants not to enter stormwater drains**

(1) The owner or occupier of any piece of land on which steam or any liquid other than potable water is stored, processed or generated must provide all the facilities necessary to prevent any discharge, leakage or escape of such liquid into any street, stormwater drain or watercourse, except where, in the case of steam, the Municipality has specifically permitted such discharge.

(2) Where the hosing down or the flushing by rainwater of an open area on any private premises is in the opinion of the Municipality likely to -

- (a) cause the discharge of objectionable matter into a street gutter, stormwater drain, river, stream or other watercourse, whether natural or artificial; or
- (b) contribute to the pollution of any watercourse, the Municipality may instruct the owner of the premises to take at his or her own cost such measures, by way of the owner's alteration of the drainage installation or roofing of the open area, as it may consider necessary to prevent or minimise the discharge or pollution.

**22. Stormwater not to enter sewers**

No person may discharge or cause or permit to be discharged any stormwater or any substance other than sewage into a drainage installation.

**23. Discharge from fountains, boreholes, wells, reservoirs and swimming pools**

Water from a fountain, borehole, well, reservoir or swimming pool situated on private premises may only be discharged into a drainage installation with the prior written consent of the Municipality and subject to such conditions relating to place, time, rate of discharge and total discharge as the Municipality may impose.

**24. Permission to discharge industrial effluent**

(1) No person may discharge or cause or permit to be discharged into any sewer any industrial effluent or other liquid or substance other than soil water or waste water without the prior written permission of the Municipality and, if such permission has been obtained, such discharge must be in strict compliance with all of the conditions of the permission.

(2) Every person must, before discharging any industrial effluent into a sewer, make application in writing to the Municipality for permission to discharge the industrial effluent, and such application must be made on the prescribed form, which is to be completed in duplicate, and, after the application is made, he or she must furnish such additional information and submit such samples as the Municipality may require.

(3) The Municipality may, at its discretion, grant permission for the discharge of industrial effluent from any premises into a sewer, having regard to the capacity of the sewer or any mechanical appliance used for the sewage or any water care works, whether or not vested in the Municipality, provided that such conditions as the Municipality may deem fit to impose are complied with, including the payment of any charge prescribed in the tariff.

(4) Any person to whom permission has been granted in terms of subsection (3) to discharge industrial effluent into a sewer must, before doing or causing or permitting to be done anything that results in a change in the quantity or discharge or nature of the industrial effluent, notify the Municipality in writing of the date of the proposed change and of the nature of the proposed change.

(5) Any person who discharges or causes or permits to be discharged any industrial effluent into a sewer without having first obtained permission to do so in terms of subsection (3) is guilty of an offence and is -

(a) liable to such charge prescribed in the tariff as the Municipality may determine for the conveyance and treatment of the effluent so discharged; and

(b) liable for any damage caused as a result of the unauthorized discharge.

(6) If any person discharges into a drain or sewer any industrial effluent or any substance which is prohibited or restricted in terms of section 27 or which has been the subject of an order issued in terms of

section 27(2), the Municipality is, without prejudice to its rights in terms of subsection (5) or section 27(2)(c), entitled to recover from such person the full cost of expenses or charges incurred or to be incurred by the Municipality and the full cost of losses suffered or to be suffered by the Municipality as a result of any or all of the following:

(a) Injury to people or damage to any sewer, any water care works, any mechanical appliance or any property whatsoever, which injury or damage is as a result of the breakdown, either partial or complete, of a sewer or water care works or mechanical appliance, whether under the control of the Municipality or not; or

(b) a prosecution in terms of the Water Act, 1956 (Act 54 of 1956), or any action against the Municipality consequent on a partial or complete breakdown of a sewer, water care works or mechanical appliance caused directly or indirectly by the discharge, including any fine or damages which may be imposed or awarded against the Municipality.

(7) Owing to a change in circumstances arising from a change in the sewage treatment process or the introduction of new or revised or stricter or other standards by the Municipality or in terms of the Water Act, 1956, or as a result of any amendment to this By-Law or for any other reason, the Municipality may from time to time or at any time -

(a) review, amend, modify or revoke any permission given or any conditions attached to such permission;

(b) impose new conditions for the acceptance of industrial effluent into a sewer; or

(c) prohibit the discharge of any or all industrial effluent into a sewer, provided that -

(i) the Municipality gives adequate written notice in advance of its intention to take the measures contemplated in paragraph (a), (b) or (c); and

(ii) on expiry of such period of notice, the previous permission or conditions, as the case may be, are regarded as having lapsed and the new or amended conditions, if any, as the case may be, apply immediately.

## **25. Control of industrial effluent**

(1) The owner or occupier of any premises from which industrial effluent is discharged into a sewer must provide adequate facilities such as overflows level detection devices, standby equipment, overflows catch-pits or other appropriate means effectively to prevent the accidental discharge into a sewer of any substance that is prohibited or restricted or has properties outside the limits imposed by this By-Law, irrespective of whether such accidental discharge is owing to the negligence of an operator, power failure, failure of equipment or control gear, overloading of facilities, spillage during loading or unloading or any other similar reason.

(2) If the owner or occupier of any premises on which industrial effluent originated intends treating such industrial effluent before discharging it, he or she must obtain prior written permission from the Municipality.

(3) The Municipality may, by notice served on the owner or occupier of any premises from which industrial effluent is discharged, require him or her to, without prejudice to any provision of the National Building Regulations or any other provision of this By-Law, do all or any of the following:

(a) The owner or occupier must subject the industrial effluent, before it is discharged into the sewer, to such pre-treatment as to ensure that the industrial effluent will at all times conform in all respects with the requirements of section 27(1), or the owner or occupier must modify the effluent cycle of the industrial process to such extent and in such manner as in the opinion of the Municipality is necessary to enable any water care works receiving the industrial effluent, whether the water care works is under the control of the Municipality or not, to produce treated effluent complying with any standards which may be laid down in respect of such water care works in terms of the Water Act, 1956.

(b) The owner or occupier must -

(i) restrict the discharge of industrial effluent to certain specified hours and restrict the rate of discharge to a specified maximum; and

(ii) install, at his or her own expense, such tanks, appliances and other equipment as in the opinion of the Municipality may be necessary or adequate for compliance with the restrictions contemplated in subparagraph (i).

(c) The owner or occupier must install a separate drainage installation for the conveyance of industrial effluent and must discharge the industrial effluent into the sewer through a separate connection, as directed by the Municipality, and the owner or occupier must refrain from -

(i) discharging any industrial effluent through a drainage installation intended or used for the conveyance of domestic sewage; or

(ii) discharging any domestic sewage through the separate installation for industrial effluent.

(d) The owner or occupier must construct at his or her own expense in any drainage installation conveying industrial effluent to the sewer one or more inspection, sampling or metering chambers of such dimensions and materials and in such positions as the Municipality may prescribe.

(e) The owner or occupier must pay, in respect of the industrial effluent discharged from the premises, such charge as may be determined in the tariff, provided that, where, owing to the particular circumstances of a case, the actual chemical oxygen demand (COD) or permanganate value (PV) and the concentration of metals in the industrial effluent cannot be assessed by means of the method of assessment prescribed by the South African Bureau of Standards (SABS), the Municipality may use such alternative method of assessment as it may deem expedient, and the charge to be levied must be assessed accordingly.

- (f) The owner or occupier must provide all such information as may be required by the Municipality to enable it to assess the charges payable in terms of the tariff.
- (g) For the purposes of paragraph (f), the owner or occupier must provide and maintain at his or her own expense a meter or meters to measure the total quantity of water which is drawn from any borehole, spring or other source of water, excluding that of the Municipality, used on the premises and which is discharged as industrial effluent into the sewer.

## **26. Metering and assessment of the volume and composition of industrial effluent**

- (1) The Municipality may incorporate, in such position as it may determine, in any drainage installation conveying industrial effluent to a sewer any meter or gauge or other device for the purpose of ascertaining the volume and composition of the industrial effluent, and it is an offence for any person to bypass, open, break into or otherwise interfere with or do damage to any such meter, gauge or other device, provided that the Municipality may at its discretion enter into an agreement with any person discharging industrial effluent into a sewer to establish an alternative method of assessing the quantity of industrial effluent so discharged.
- (2) The Municipality is entitled to install and maintain a meter, gauge or device referred to in subsection (1) at the expense of the owner of the premises on which it is installed.
- (3) The owner of any premises on which is situated a borehole or well used for a water supply for trade or industrial purposes must -
  - (a) register the borehole or well with the Municipality;
  - (b) give the Municipality full particulars of the discharge capacity of the borehole or well; and
  - (c) if the Municipality has reason to doubt the reliability of the particulars given in terms of paragraph (b), carry out, at the expense of the owner, such tests on the discharge capacity of the borehole or well as may, in the opinion of the Municipality, be necessary for the purpose of this By-Law.

## **27. Prohibited Discharges**

- (1) No person may discharge or cause or permit the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance which -
  - (a) in the opinion of the Municipality, may be offensive to the public or cause a nuisance to the public;
  - (b) is in the form of steam or vapour or has a temperature exceeding 44 °C at the point at which it enters the sewer;
  - (c) has a pH value less than 6, 0 or greater than 10, 0;
  - (d) contains any substance whatsoever that is likely to produce or emit explosive, flammable, poisonous or offensive gases or vapours in the sewer;

- (e) contains a substance having a flashpoint of less than 93 °C or which emits a poisonous vapour at a temperature below 93 °C;
  - (f) contains any material whatsoever, including oil, grease, fat or a detergent, which is capable of causing interference with the proper operation of any water care works;
  - (g) shows any visible signs of tar or associated products or distillates, bitumens or asphalts;
  - (h) contains a substance in such concentration as is likely in the final treated effluent from any water care works to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam;
  - (i) contains any substance specified in Schedule II in such concentration as to exceed the limit of concentration specified in Schedule II, provided that -
    - (i) the Municipality may approve a greater limit of concentration for such period or on such conditions as it may specify on consideration of the effect of dilution in the sewer and of the effect of the substance on the sewer or on any sewage treatment process; and
    - (ii) the Municipality is satisfied that the discharge or entry of the substance into the sewer will not -
      - (aa) damage the sewer or any mechanical appliance, water care works or equipment;
      - (bb) prejudice the use of sewage for re-use; or
      - (cc) adversely affect any waters into which purified sewage effluent is discharged, or any land or crops irrigated with the sewage; and
  - (j) contains any substance whatsoever which, in the opinion of the Municipality -
    - (i) is not amenable to treatment at any water care works, or which causes or may cause a breakdown or inhibition of the normal sewage treatment processes;
    - (ii) is or may be amenable to treatment only to such degree as to prevent the final treated effluent from any water care works from satisfactorily complying in all respects with any requirement imposed in terms of the Water Act, 1956; or (iii) whether listed in Schedule II or not, either alone or in combination with other matter may -
      - (aa) generate or constitute a toxic substance detrimental to the health of persons employed at the water care works or persons entering the Municipality's sewers or manholes in the course of their duties;
      - (bb) be harmful to sewers, water care works or land used for the disposal of purified sewage effluent; or
      - (cc) adversely affect any of the processes whereby sewage is purified or purified sewage effluent is used.
- (2) (a) Any person who receives from an officer duly authorised thereto by the Municipality a written order instructing such person to stop the discharge into a sewer of any substance referred to in subsection (1) must immediately stop such discharge.
- (b) Any person who contravenes the provisions of subsection (1) or who fails to comply with an order issued in terms of paragraph (a) is guilty of an offence.

(c) Notwithstanding the provisions of paragraph (b), if any person fails to comply with the terms of an order served on him or her in terms of paragraph (a) and if the discharge is likely, in the opinion of the Municipality, to cause damage to any sewer or mechanical or other appliance or to seriously prejudice the efficient operation of any water care works, the Municipality may, after further written notice, refuse to permit the discharge of any industrial effluent into the sewer until the industrial effluent complies in all respects with the Municipality's requirements as prescribed in terms of this By-Law.

Any person who has been refused such permission to discharge industrial effluent into a sewer must immediately stop discharging industrial effluent and, if he or she fails to do so, the Municipality may prevent him or her from proceeding with the discharge.

## **PART E WATER**

### **28. Connection from main**

(1) Any communication pipe that is intended for preventive or automatic use in the event of fire must be laid by the Municipality as far as the boundary of the consumer's property.

(2) A communication pipe referred to in subsection (1) may be used only for fire extinguishing purposes.

(3) No extraction (draw-off) of water of any kind may be made from the main, except an extraction (draw-off) in connection with any automatic sprinkler and drencher, hydrant connection or any connection necessary for the pressure tank on the top of a building, which tank must be controlled by a suitable ball tap.

### **29. Valves in communication pipes**

Every communication pipe must be fitted with a proper stop valve, which valve -

(a) must be supplied by the Municipality at the expense of the consumer to whose premises the communication pipe leads;

(b) must be installed between the consumer's premises and the main;

(c) must be of the same diameter as the communication pipe; and

(d) must be in such position as may be determined by the Municipality.

### **30. Additions to fire extinguishing system**

No further sprinkler may without the prior written consent of the Municipality be added or connected to any existing fire extinguishing system after such system has been connected to the main.

**31. Extension of fire extinguishing system to other premises**

No extension or connection may be made from the fire extinguishing system of one premises to any other premises. If any such extension or connection is made, the Municipality is entitled to enter on any premises and to take all steps necessary to disconnect the extension or connection at the cost of the person responsible for the extension or connection.

**32. Inspection and approval of fire extinguishing services**

No supply of water may be made or given in respect of a fire extinguishing service until the fire extinguishing system has been inspected and the Municipality has certified in writing that -

- (a) such service is in accordance with this By-Law; and
- (b) the work in connection with the system has been carried out to the Municipality's satisfaction.

**33. Connections to be to the satisfaction of the Municipality**

Any connection to a main in respect of a fire extinguishing service must be effected to the satisfaction of the Municipality, which is entitled to disconnect any fire extinguishing service at any time.

**34. Installation of reflux valves**

In any private installation where a fire pump connection is installed, a reflux valve to close off the supply from the Municipality's main when the fire pump connection is being used must be installed between the boundary of the premises and the fire pump connection.

**35. Sprinkler systems**

- (1) A sprinkler system may be installed in direct communication with a main, but the Municipality does not guarantee any specified pressure of water at any time.
- (2) When an automatic sprinkler system on any premises has been installed and completed, the owner of the premises must advise the Municipality in writing within 14 days of the date of completion of the installation of such sprinkler system.

**36. Header tanks and duplicate supply from main**

If a header tank is installed above ground level, the header tank must be provided with an overflows pipe which discharges in such a position as to be readily observable and which may not be led away by any down-pipe to any drain.

## **PART F**

### **NOTICES**

#### **37. Notices**

- (1) Every notice, order or other document issued or served by the Municipality in terms of this By-Law is valid if signed by an officer of the Municipality who is duly authorised thereto.
- (2) Any notice, order or other document served on any person in terms of this By-Law must be served in the following manner:
- (a) The notice, order or other document, or a true copy thereof, must be delivered personally to the person to whom it is addressed or must be delivered at his or her last-known residence or place of business; or
- (b) the notice, order or other document, or a true copy thereof, must be posted to the person to whom it is addressed at his or her last known residence or place of business, in which case it will be deemed to have been served five days after it was posted.
- (3) In every notice, order or other document issued or served in terms of this By-Law, the premises to which the notice, order or document relates must be specified, but the person for whom it is intended may be referred to as "the owner" or "the occupier" if his or her name is not known.

## **PART G**

### **OFFENCES AND PENALTIES**

#### **38. Offences and Penalties**

- (1) Notwithstanding any provision of this By-Law in which an offence is explicitly specified, any person who contravenes or fails to comply with any provision of this By-Law commits an offence and is on conviction liable to a penalty not exceeding the fine (as stipulated on Tariff & Charges) and imprisonment prescribed in terms of section 105 of the Local Government Ordinance, 1939 or any applicable law.
- (2) A person commits an offence if he or she fails in any way to comply with a notice which has been served on him or her by the Municipality and in which he or she is ordered to do or not to do something and, where such failure continues, he or she commits such offence each day or part of the day on which the failure continues and is, with regard to every offence, on conviction liable to a penalty not exceeding the fine (as stipulated on Tariff & Charges) and imprisonment prescribed in terms of section 105 of the Local Government Ordinance, 1939 or any applicable law.

**PART H**  
**COMMENCEMENT**

**39. Name and Commencement Date**

- (1) This By-Law will be known as **Ratlou Local Municipality: Building Regulation By-Law 2013.**
- (2) This Building Regulation By-Law will come into effect on date of publication on Provincial Gazette.

## SCHEDULE I

### CONDITIONS WITH WHICH ENCLOSURES MUST COMPLY

#### 1. Height restrictions

- (1) Subject to the provisions of paragraph 3, no enclosure (except an enclosure on an Erf/ Stand zoned Industrial or Business) may exceed a height of 2, 1 m, irrespective of the type of material from which the enclosure is made.
- (2) Subject to the provisions of subparagraph (1), barbed wire or similar wire or safety spikes may only be erected on an enclosure from a height of 1,75 m.

#### 2. Design and appearance

- (1) An enclosure referred to in paragraph 1 must comply with the following conditions if the enclosure is visible from an adjacent street or public open space:
  - (a) All surfaces of the enclosure that are visible from an adjacent street or public open space must -
    - (i) be skilfully finished;
    - (ii) be of good quality material;
    - (iii) be without any defect; and
    - (iv) have an exposed or finished side.
  - (b) All painted surfaces of the enclosure that are visible from an adjacent street or public open space must be white only or another colour approved by the Municipality.
  - (c) If the enclosure is made of precast material, it must -
    - (i) have a brick-pattern finish and be painted white; or
    - (ii) be of a finish or colour approved by the Municipality.
  - (d) If wood forms part of the enclosure, the wood must be thoroughly treated with a wood-preserving agent.
- (2) An enclosure referred to in paragraph 1 must comply with the following conditions if the enclosure is visible from any adjacent Erf/ Stand:
  - (a) All surfaces of the enclosure that front on an adjacent Erf/ Stand must -
    - (i) be skilfully finished;
    - (ii) be of good quality material;
    - (iii) be without any defect; and
    - (iv) be maintenance-free.
  - (b) If applicable, the struts, posts or columns of the enclosure must show on the sides of the enclosure that face the piece of land being enclosed by the enclosure.
  - (c) If wood forms part of the enclosure, the wood must be thoroughly treated with a wood-preserving agent.

### 3. General

Notwithstanding the provisions of paragraphs 1 and 2 -

- (a) the Municipality may agree to the exceeding of the maximum height of an enclosure stipulated in paragraph 1;
- (b) an enclosure referred to in paragraph 1 must, if the Municipality so requires, be splayed or lowered to a height of 1 m within a distance of 4,5 m from any street boundary or boundary of a public open space;
- (c) the barbed wire or similar wire or safety spikes of an enclosure in any area (Industrial-zoned even excluded) may not be visible from any street, public open space or adjacent Erf/ Stand;
- (d) the maintenance of an enclosure must be done properly to ensure at all times a good appearance, of which the Municipality is the sole judge; and
- (e) the height of any enclosure must, for the purpose of this schedule, be measured from natural ground level.

## SCHEDULE II

### LIMITS OF CONCENTRATION OF CERTAIN SUBSTANCES

1. Subject to the provisions of section 27(1), the limits of concentration of certain substances in sewage are as follows, provided that the Municipality reserves the right to limit the total mass of any substance or impurity discharged per 24 hours into a sewer from any premises:

(1) The limits of pH and electrical conductivity of sewage are as follows:

- (a) PH: within the range of 6,0 to 10,0; and
- (b) electrical conductivity: not greater than 300 m/Sm at 20 °C.

(2) The maximum permissible concentrations of pollution in sewage, expressed in milligrams per litre (mg/l), are as follows:

(a) GENERAL

- (i) Permanganate value (PV): 1 400 mg/l;
- (ii) caustic alkalinity (expressed as  $\text{CaCO}_3$ ): 2 000 mg/l;
- (iii) substances in suspension (including fat, oil, grease, waxes and like substances): 2 000 mg/l;
- (iv) substances soluble in petroleum ether: 500 mg/l;
- (v) sulphides, hydrosulphides and polysulphides (expressed as S): 50 mg/l;
- (vi) substances from which hydrogen cyanide can be liberated in a drainage installation, sewer or water care works (expressed as HCN): 20 mg/l;
- (vii) formaldehyde (expressed as  $\text{CH}_2\text{O}$ ): 50 mg/l;
- (viii) phenolic compounds: 1, 0 mg/l;
- (ix) non-organic solids in suspension: 100 mg/l;

- (x) chemical oxygen demand (COD): 5 000 mg/l;
- (xi) all sugars and/or starches (expressed as glucose): 1 500 mg/l;
- (xii) available chlorine (expressed as Cl): 100 mg/l;
- (xiii) sulphates and sulphites (expressed as SO<sub>4</sub>): 1 800 mg/l;
- (xiv) fluorine-containing compounds (expressed as F): 5 mg/l;
- (xv) anionic surface activators: 500 mg/l; and
- (xvi) orthophosphates (expressed as P): 10 mg/l.

(b) METALS

(i) Group 1

The total collective concentration of the following metals (which constitute Group 1) in any sample of effluent may not exceed 20 mg/l, nor may the concentration of any individual metal in any sample exceed 5 mg/l:

- (aa) Chromium (expressed as Cr);
- (bb) copper (expressed as Cu);
- (cc) nickel (expressed as Ni);
- (dd) zinc (expressed as Zn);
- (ee) silver (expressed as Ag);
- (ff) cobalt (expressed as Co);
- (gg) cadmium (expressed as Cd); and
- (hh) manganese (expressed as Mn).

(ii) Group 2

The total collective concentration of the following metals (which constitute Group 2) in any sample of effluent may not exceed 50 mg/l, nor may the concentration of any individual metal in any sample exceed 20 mg/l:

- (aa) Lead (expressed as Pb);
- (bb) selenium (expressed as Se); and
- (cc) mercury (expressed as Hg).

(iii) Group 3

The total collective concentration of the following metals (which constitute Group 3) in any sample of effluent may not exceed 20 mg/l:

- (aa) Arsenic (expressed as As); and

(bb) boron (expressed as B).

(c) RADIOACTIVE WASTE

Radioactive waste or isotopes: such concentration as may be laid down by the Atomic Energy Corporation or any State department.

2. The method of testing in order to ascertain the concentration of any substance referred to in this schedule must be the test normally used by the Municipality for this purpose. Any person discharging into a sewer any substance referred to in this schedule must obtain the details of the appropriate test from the Municipality.

**LOCAL AUTHORITY NOTICE 237**

**RATLOU LOCAL MUNICIPALITY**

**WASTE AND REFUSE REMOVAL BY-LAW 2013**

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**Ratlou Local Municipality** has passed this by-law that was introduced in terms of Section 12 of the Municipal Systems Act (Act 32 of 2000) as per **Resolution 29/ 2013** during a statutory Council meeting held on 30 May 2013.

**The purpose of the by-law is to regulate the provisioning of domestic waste removal services including disposal of waste in the area of jurisdiction of the municipality and to provide for matters connected therewith.**

Be it enacted by the Municipal Council in terms of Section 11 (3) (m) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as follows:-

## **CHAPTER 1 DEFINITIONS AND PURPOSE**

1. Definitions
2. Purpose of By-Law

## **CHAPTER 2 WASTE REMOVAL SERVICE**

3. Domestic waste removal
4. Use of service compulsory
5. Municipality to remove waste

## **CHAPTER 3 ACCUMULATION AND REMOVAL OF DOMESTIC WASTE**

6. Owner to provide container
7. More than one container
8. Container must comply with requirements
9. Municipality may provide containers
10. Bin Liners
11. Instructions for use
12. Prohibited Materials in Containers
13. Correct Placement of Containers
14. Municipality Not Liable
15. Owner of property liable
16. Municipality may impose different requirements
17. Policy on Reclamation of waste
18. Accumulation of domestic waste
19. Littering
20. Pavements
21. Garden waste
22. Removal of bulky and industrial waste
23. Builder's waste
24. Trade waste
25. Disposal sites for domestic, garden and builder's waste
26. Ownership of waste
27. Abandoned objects
28. Liability
29. Charges and deposit
30. Penalties

## **CHAPTER 4 REPEAL AND COMMENCEMENT**

31. Repeal of By-laws
32. Short Title and Commencement

## CHAPTER 1

### DEFINITIONS AND PURPOSE

#### 1. Definitions

In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and unless the context otherwise indicates: -

**"bin-liner"** means a plastic bag, as prescribed by the municipality, for placement inside a container;

**"builder's waste"** means any waste or waste resulting from or generated by the construction, renovation or demolition of a building or other structure or works;

**"bulky waste"** means any waste, other than industrial waste, which emanates from any premises and which by virtue of its mass, shape, size or quantity cannot be conveniently accumulated in or removed from a container with a bin liner;

**"charge"** means the charge prescribed by the municipality by resolution;

**"container"** means a standard type of waste container as approved by the municipality.

**"domestic waste"** means any waste or waste normally emanating from or incidental to the normal occupation of a dwelling, flat, hotel, boarding-house, restaurant, guest house, hospital, school, cafe, shop, old age home or office but shall not include stones, soil, gravel, bricks, waste liquids, night soil, or industrial, builder's or trade waste;

**"garden waste"** means any waste which is generated as a result of normal gardening activities such as grass cuttings, leaves, trees, plants, flowers, weeds and other similar light matter;

**"industrial waste"** means any waste generated as a result of manufacturing, maintenance, production and dismantling activities;

**"municipality"** means the Local Municipality of Ratlou established in terms of Sections 12 and 14 of the Municipal Structures Act, 1998 (Act No.117 of 1998) and includes any political structure, political office bearer, councillor, duly authorised agent or any employee thereof acting in connection with these by-laws 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;

**"municipal service"** means, unless otherwise stated, the provision or supply of water, sewerage or electricity services;

**"occupier"** for the purposes hereof means the person who controls and resides in or who controls and otherwise uses immovable property and includes joint occupiers;

**"owner"** means and includes:

[a] the person or persons in whom the registered title in immovable property is vested;

[b] the person administering an estate as curator, executor, proxy, trustee or administrator of a person in whom the legal title in immovable property is vested and who is insolvent, dead or of unsound mind;

[c] the agent or persons receiving the rental of immovable property in cases where the owner as described above is away or absent;

[d] the beneficiary of a usufruct over immovable property,

[e] the fiduciaries of municipal property; and where the text so requires, includes the occupier of a property, or

[f] the person who has been granted land rights in terms of a Permission to Occupy (PTO)

**"trade waste"** means any trade material or trade waste as determined by the municipality and agreed to by the owner or occupier.

## **2. Purpose of By-Law**

The purpose of this by-law is to promote the achievement of a safe and healthy environment for the benefit of the residents in the area of jurisdiction of the Ratlou Local Municipality and to provide for procedures, methods and practices to regulate the dumping of waste and the removal thereof.

## **CHAPTER 2**

### **WASTE REMOVAL SERVICE**

## **3. Domestic waste removal**

The municipality shall provide a service for the removal and disposal of domestic waste subject to such conditions as it may determine from time to time

## **4. Use of service compulsory**

Every owner or occupier of immovable property shall make use of the service for the removal and disposal of domestic waste provided by the municipality in accordance with the provisions of this by-law, in respect of all domestic waste which emanates from such property.

## **5. Municipality to remove waste**

No person other than the municipality or person authorised thereto in writing by the municipality shall remove domestic waste from any property or dispose of it in any manner whatsoever.

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**CHAPTER 3****ACCUMULATION AND REMOVAL OF DOMESTIC WASTE****6. Owner to provide container**

Subject to the provisions of subsection 7 and 9, the municipality may require every occupier of a property to provide on such property a container with a capacity of not less than 85 litres, constructed of a material approved by the municipality and with a closefitting lid and two handles for the accumulation of domestic waste.

**7. More than one container**

If the municipality is of the opinion that more than one container for the accumulation of domestic waste is essential on a particular property, it may, according to the quantity of domestic waste normally accumulated on such property, require the occupier thereof to provide as many containers as it may determine on such property.

**8. Container must comply with requirements**

If a container used by an owner or occupier does not comply with the requirements of the municipality, it may instruct such owner or occupier to obtain and use some other suitable container complying with its requirements.

**9. Municipality may provide containers**

The municipality may, where it considers it necessary or desirable of its own accord supply containers to particular classes of owners or occupiers, or to particular classes of properties or in particular areas, in which event the cost of such containers shall be recovered from the owners or occupiers of the properties concerned.

**10. Bin Liners**

The municipality may determine that all containers shall be equipped with bin liners, unless the municipality determines otherwise.

**11. Instructions for use**

The municipality may, generally or in particular, issue instructions to owners and occupiers on the manner in which or the arrangements according to which waste or waste bags shall be placed in containers, be removed therefrom, be tied and thereafter be placed or deposited for removal, and any disregard of such instructions shall constitute a contravention of this by-law.

**12. Prohibited Materials in Containers**

No material, including any liquid which, by reason of its mass or other property is likely to render such bin liners or containers difficult for the municipality's employees to handle or carry, shall be placed in such bin liners or containers.

**13. Correct Placement of Containers**

The containers or bin liners, or both, shall be removed by the municipality at such intervals as the municipality may deem necessary but only if such containers or bin liners, or both, have been placed or deposited at the prescribed places as determined by the municipality.

**14. Municipality Not Liable**

The municipality shall not be liable for the loss of or for any damage to a container or bin liner, where applicable.

**15. Owner of property liable**

In any case where the occupier of a property is not also the owner, the municipality may hold the owner himself, instead of the occupier, liable for compliance with the provisions of this by-law.

**16. Municipality may impose different requirements**

The municipality may, in specific cases, impose different requirements, other than the use of an 85 litre container, for the removal and disposal of waste and the owner or occupier of immovable property, as the case may be, to which such requirements relate shall be obliged to comply with the aforesaid directions of the Municipality.

**17. Policy on Reclamation of Waste**

The Municipality may prescribe policy with regard to the reclamation of waste in which case directions may be issued in terms of which certain types of waste shall be separated and disposed of eg. *Recycling of waste like, tins, plastics, boxes etc.*

**18. Accumulation of domestic waste**

The owner or occupier of any property shall ensure that all domestic waste generated on such property shall be accumulated only in a container, as determined by section 5, and in no other manner.

**19. Littering**

No person shall -

- (1) throw, drop, deposit or spill any waste into or onto a public place, street, vacant stand, vacant erf, stream or water-course, or
- (2) sweep any waste into a gutter on a public place or into any public street.

**20. Pavements**

It shall be the duty of every owner or occupier of a shop or trade premises to ensure that the pavement in front of or abutting such shop or premises is kept clean and free of waste or waste material emanating from such shop or premises or resulting from the

delivery of goods to such shop or premises or from the supply or sale of goods to the public by the occupier of such shop or premises.

## **21. Garden waste**

- (1) Garden waste may be removed from property where it accumulates according to any arrangements which the owner or occupier of such property desires to make, provided that, should any accumulation of garden waste not be removed and should such accumulation in the opinion of the municipality constitute a nuisance or danger to public health or an unnecessary fire hazard to nearby property, the municipality may order such owner or occupier by written notice to cause such accumulation to be removed within a specified period. If it has sufficient facilities available, the municipality may in its discretion and on application from the owner or occupier of property remove garden waste from such property at the cost of the owner or occupier and subject to such terms and conditions as the municipality may determine.
- (2) No garden waste may be dumped, kept or stored in or on any sidewalk or vacant ground.

## **22. Removal of bulky and industrial waste**

- (1) The occupier or, in the case of premises occupied by more than one person, the occupiers of premises in which bulky or industrial waste is generated, shall ensure that such waste is disposed of in terms of this by-law within a reasonable period after the generation thereof.
- (2) Bulky and industrial waste shall, once it has been removed from the premises on which it was generated, be deposited on a site designated by the municipality as a disposal site for such waste.
- (3) The municipality does not accept any responsibility for the removal of bulky or industrial waste.

## **23. Builder's waste**

Builder's waste which may have accumulated in the course of the construction, alteration, renovation or demolition of any structure or works shall be removed from the property concerned according to suitable arrangements to be made by the owner of such property with the municipality. If there is any undue delay in the removal of such waste after the completion of the works involved, the municipality may direct, by written notice to such owner, that the waste be removed within a specified time to an approved disposal site.

## **24. Trade waste**

The municipality may enter into an agreement with the owner or occupier of any premises for the removal of trade waste by the municipality at a charge fixed by the municipality.

**25. Disposal sites for domestic, garden and builder's waste**

- (1) The municipality shall provide, make available or set aside and maintain a place or places where domestic, garden and builder's waste shall be deposited or dumped. Any person dumping domestic, garden and builder's waste in any other place shall be guilty of an offence.
- (2) In the event that the dumping or disposal site contemplated in subsection (1) above is not owned by the municipality, dumping at such a site will be subject to the terms and conditions as specified by the owner or legal operator of such site.
- (3) The municipality may, from time to time, determine tariffs for the dumping of waste at a dumping or disposal site.

**26. Ownership of waste**

All waste removed by the municipality and all waste on disposal sites controlled by the municipality shall be the property of the municipality, and no person who is not duly authorised by the municipality to do so, shall remove or in any manner interfere with such waste, subject to the provisions of **section 25(2)**.

**27. Abandoned objects**

Any object other than a vehicle deemed to have been left or abandoned anywhere in terms of the National Road Traffic Act, 1996 [Act 93 of 1996], which is, 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 thereof, be reasonably regarded by the municipality as having been abandoned, may be removed and disposed of by the municipality in a manner as it may deem fit.

**28. Liability**

- (1) Where any object has been removed and disposed of by the municipality in terms of **section 27**, the owner or person responsible for such object shall be liable to pay the municipality the charge fixed by it for its removal, disposal or custody.
- (2) For the purposes of subsection [1], the person responsible shall be:
  - (a) the owner of the object, including any person who is entitled to be in possession of the object by virtue of a hire-purchase agreement or an agreement of lease at the time when it was abandoned or deposited in the place from which it was so removed, unless he can prove that he was not concerned in and did not know that it had been deposited in such place, or
  - (b) any person who deposits the object in the place aforesaid, or
  - (c) any person who knowingly permits or permitted the object to be deposited in the aforesaid place.

## **29. Charges and deposit**

The charges payable to the municipality for the establishment, provisioning and maintenance of a waste removal and disposal service and the amount a person making use of such service shall deposit with the municipality shall be determined by resolution adopted by the municipality.

## **30. Penalties**

Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to—

- (1) a fine (as stipulated on Tariff & Charges) or imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
- (2) in the case of a continuing offence, to an additional fine (as stipulated on Tariff & Charges) or an additional period of imprisonment of 10 days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,
- (3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

## **CHAPTER 4**

### **REPEAL AND COMMENCEMENT**

## **31. Repeal of By-laws**

Any by-law relating to waste removal and disposal adopted by any municipality and still in force in the Ratlou local municipal area, is hereby repealed from the date of promulgation of this by-law.

## **32. Short Title and Commencement**

This by-law shall be known as the Ratlou Local Municipality: Waste and Refuse Removal By-law 2013 and shall commence on the date of publication on the Provincial Gazette.





Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.

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