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LOCAL GOVERNMENT NOTICE

MANGAUNG

LOCAL MUNICIPALITY/PLAASLIKE MUNISIPALITEIT/LEKGOTLA LA MOTSE

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BY-LAWS REGARDING THE MUNICIPAL FRESH PRODUCE MARKET

The proposed By-law relating to the Municipal Fresh Produce Market is hereby published in terms of the provisions of section 12(3) of the Local Government : Municipal Systems Act, 2000 (Act No 32 of 2000) for public comment and representations. A copy thereof may also be scrutinised at the following places:

- a. The notice boards on the ground floor of the Bram Fischer-building in Bloemfontein;
- b. On the Municipality's website at www.mangaung.co.za ;
- c. At Room number 313, 3rd Floor in the Bram Fischer Building , De Villiers Street 5 , Bloemfontein.

Any comments or representations on the proposed by-laws must be submitted to the City Manager in writing at Room 201, Bram Fischer Building, De Villiers Street, Bloemfontein or send by post to PO Box 3704, Bloemfontein 9300 or send via email to stephen.rautenbach@mangaung.co.za . All comments should reach the above persons on or before 10 March 2008. Any person who cannot write, may come during office hours on or before 10 March 2008 to Room 313 or 314, Bram Fischer Building, De Villiers Street, Bloemfontein where assistance with the transcribing of comments or representations will be provided.

Notice No 8 / 2008

TM MANYONI
CITY MANAGER

BY-LAWS

To provide for the regulation and management of activities on and in respect of the municipal fresh produce market, and to provide for matters in connection therewith

Preamble

WHEREAS the Constitution established local government as a distinctive sphere of government, interdependent, and interrelated with the national and provincial spheres of government; and

WHEREAS there is agreement on the fundamental importance of local government to democracy, development and nation-building in our country; and

WHEREAS there is fundamental agreement in our country on a vision of democratic, accountable and developmental local government, in which municipalities must strive within its financial and administrative capacity, to achieve their constitutional objectives by ensuring the provision of sustainable, effective and efficient municipal services to communities, by promoting social and economic development, by promoting a safe and healthy environment, and by encouraging the involvement of communities in the matters of local government; and

WHEREAS the Constitution authorizes and empowers municipalities to administer the local government matters listed in Part B of Schedules 4 and 5, which include municipal markets and any other matter assigned to it by national or provincial legislation, by making and administering by-laws for the effective administration of these matters;

BE IT THEREFORE ENACTED by the Municipal Council of the MANGAUNG Local Municipality as follows:-

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CHAPTER 1 INTERPRETATION

1. Definitions

- (1) In these by-laws unless the context otherwise indicates –
 "Act" means the Agricultural Produce Agents Act, No. 12 of 1992 ;
 "article", "produce" or "goods" means any kind of fruit, vegetables, food, lucerne, lucerne meal, forage, bran, plants, trees, shrubs, flowers, decorative plants, ferns, artificial flowers or any other product, animal, bird or thin, that is commonly offered on the market;

"consignment" means any quantity of produce consisting of separate units of the same kind or different kinds or produce that are simultaneously entrusted to the General Manager or a fresh produce agent for sale on behalf of any person;

"container" means any box, tray, bag, package or other means of packing;

"Council" means the municipal council of the Mangaung Local Municipality in which the executive and legislative authority of the municipality is vested, and which is the decision making body of the municipality, and its delegates;

"General Manager" means the person appointed by the Municipality to be in charge of the market, described as the market authority in the Act, or his duly appointed assignee;

"market" means the municipal fresh produce market situated on erf 21402, Maselspoort Road, which is the property of the municipality

"fresh produce agent" means an agent acting as such with regard to any product sold at the market on the basis that the risk of profit or loss at all times remains with the principal, and-

(a) includes any director of a company, trustee of a trust or a member of a close corporation who acts as a fresh produce agent as aforesaid;

(b) any director of a company, or a member of a close corporation or a trustee of a trust who acts as a fresh produce agent as aforesaid;

and it includes the General Manager when he is acting as a fresh produce agent;

"market note" means any document that is officially issued by the General Manager;

"market sale" means any sale which takes place on the market or which is otherwise authorised by the General Manager;

"medical officer of health" means the medical practitioner who is for the time being holding office under the Municipality as medical officer of health, and it includes any medical practitioner or inspector who is lawfully acting in that capacity or duly authorised to do so;

"municipality" means the Mangaung Local Municipality, and when referred to as -

(a) an entity, means Mangaung Local Municipality as described in section 2 of the Systems Act; and

(b) a geographic area, means the municipal area of Mangaung Local Municipality as determined in terms of the Local Government : Municipal Demarcation Act, 1998 (Act No 27 of 1998)

"no offer market note" means an official document which indicates that the produce to which it refers was not sold, because no bid or offer could be obtained therefore;

"no sale market note" means an official document which indicates that the produce to which it refers, was not sold at the highest bid or offer that was obtained therefore, or that the produce was not offered for sale;

"prepayment system" means a system whereby payment for goods occurs by swiping an electronic card through a particular deduction device, which withdraws from that card, the amount of the value of the purchases ;

"private treaty sale" means a sale negotiated and concluded between a fresh produce agent and the purchaser which sale is recorded in the books of the Council;

"salesman" means an authorised person in the employ of a fresh produce agent, who acts on behalf of such agent in any transaction on the market;

"selling price" means the amount for which any article or produce has been sold to a buyer;

"unit" means the quantity of any produce which forms the basis upon which the prices of such produce are calculated, except where produce is packed in a container, in which case such container shall constitute a unit;

"vendor" means a person who consigns or brings produce to a market for sale : Provided that when the General Manager conducts sales on behalf of agents, he shall not be regarded as a vendor.

- (2) In these by-laws, unless the context indicates otherwise, words and expressions denoting the singular shall include the plural and vice versa, words and expressions denoting the male sex shall include the female sex and vice versa and reference to a natural person shall include a legal person and vice versa.

CHAPTER 2 MANAGEMENT OF ACTIVITIES ON THE MARKET

2. Locality and extent of the market

The market shall be conducted on erf 21402 Mazelspoort Road, as more fully described on plan L.G. 452/77.

3. Control and supervision

The control and conduct of the market shall be under the supervision of the General Manager in accordance with all relevant laws and by-laws of the Municipality.

4. Market hours

The market shall be open on such days and during such hours as the Council may determine from time to time.

5. Behaviour of persons on the market

No person shall on the market :

- (1) smoke in any part where a notice prohibiting smoking, is displayed;
- (2) light a fire, without the permission of the General Manager;
- (3) stand, sit or lie upon or against any article or container;
- (4) throw anything at any person or object;
- (5) without lawful reason tamper with or remove or cause to be removed, any article that is placed or exposed for sale, or any container, or any label on such article or container;
- (6) without the written permission of the General Manager and in compliance with the Municipality's applicable by-laws, erect any additional fence or buildings on premises hired from the Municipality, or convert existing buildings or erect partitions or install or extend existing water or electricity mains or fittings, or make any other changes to such premises;
- (7) cause or allow any matter likely to cause blockage or damage, to enter any drain or gulley, or cause or allow any sewerage, oil, waste water or other objectionable substance to flow into any storm water drain;
- (8) without the permission of the General Manager wash, sort, grade or clean fruit, vegetables or any other article
- (9) disrupt any legal activity in any way whatsoever or interfere with or molest any other person or force articles on a client, or interfere with the proper carrying on of any business;
- (10) enter or remain, or cause any vehicle, animal or other thing to enter or remain on any part on days or at times when the market is closed, save with the permission of the General Manager;
- (11) neglect or refuse to depart or to remove any article, vehicle, animal or other thing there from if lawfully instructed by the General Manager to do so;
- (12) neglect or refuse to place any vehicle under his control in the position assigned to such vehicle by the General Manager;
- (13) drive or ride any vehicle or animal in such a way as to endanger persons or property;
- (14) spit, cause a nuisance or loiter, or use any threatening, obscene, abusive, violent, offensive or disgusting language, or make any loud or disturbing noise;
- (15) organise or conduct a public meeting without the previous written consent of the General Manager;
- (16) have in his possession, bring, cause to be brought onto the market premises any intoxicating liquor without the permission of the General Manager;
- (17) consume, or be under the influence of intoxicating liquor;
- (17) touch, taste, smell, handle or move any article exposed for sale, in such a way as to make it liable to contamination;
- (18) wilfully damage or deface any property;
- (19) throw away or deposit in any place other than receptacles provided for the purpose, any fruit peel, vegetable leaves or refuse of any kind whatsoever.

6. Entry to the market

The General Manager may refuse to allow any undesirable person to enter the market or to bring there any animal, vehicle, article or other thing whatsoever, and may instruct any person to leave the market or to remove there from any animal, vehicle, article or other thing whatsoever, if in his opinion circumstances exist that justify such refusal or instruction.

7. Responsibility for articles brought on to the market

Any person who brings any article, vehicle, animal or other thing whatsoever on to the market, shall be responsible therefore and liable for any damage, injury, danger, obstruction or inconvenience that it may cause.

8. Rejection of articles

The General Manager may reject from the market or may reject for sale on the market, any article which is diseased, unsound, unwholesome or unfit for consumption or that is stored in a container that is likely to contaminate it or any other article with which it may come into contact. The General Manager may immediately take any such article or container into his possession for the purpose of its destruction : Provided that if a dispute about the condition of any such article or container arises, it shall not be destroyed unless the medical officer of health has issued a certificate authorising such destruction.

9. Removal of obstructions

Any person who places any article or other object in any part of the market so as to cause inconvenience or obstruction or so as to prevent the proper sweeping, washing or cleaning of the market premises, shall immediately remove such article or object when instructed to do so by the General Manager. Should any such person refuse or neglect to comply with such instruction, or should his address be unknown to the General Manager, the General Manager may without notice remove the obstruction, and no liability shall rest on him or on the Municipality for any damage, injury or loss which may be the result of such removal.

10. Liability for error

The Council shall not be liable for any error of description, shortage or excess in quantity or lack of quality in respect of any article sold on the market, except when negligence on the part of the Council can be proved.

11. Delivery notes

- (1) Every person who brings or causes to be brought to the market, any article to be offered thereon, shall, immediately on its arrival, register such article with the General Manager and the fresh produce agent concerned, who shall issue or cause to be issued a delivery note signed by him and by such person showing the following :

- (a) the date of arrival;
- (b) the full name and address of the vendor;
- (c) the description of the article;
- (d) the description of the container;
- (e) the mass or quantity;
- (f) the variety and quality of products as may be determined by the General Manager from time to time;
- (g) the name or code mark of the fresh produce agent or consignee to whom such article is consigned;
- (h) the registration number of the vehicle, if any;
- (i) any other particulars that may from time to time be required by the General Manager.

- (2) The General Manager or fresh produce agent shall furnish every such person or consignee to whom such article is consigned, with a copy each of the said delivery note, and must himself keep a copy.

12. Railway delivery notes

The General Manager may obtain from the South African Railway and Harbours Administration a copy of every delivery note or way-bill issued by the said administration, and any other particulars required by him, in respect of every article delivered at the market by the said administration, irrespective of whether such article has been transported by rail or by road. Every fresh produce agent shall, when so instructed by the General Manager, authorise the said administration to furnish the General Manager with a copy of every such note or bill relating to articles consigned to him.

13. Fresh produce agent to account to vendor

Every fresh produce agent shall sign for the receipt of every article or consignment delivered to him at the time when it is delivered, and shall be responsible to the vendor for the quantity shown on the delivery note and shall account to the vendor for such quantity in such manner as may be determined by the General Manager.

14. Offloading on arrival

Every article offered on the market shall on arrival be handed either to the General Manager or a fresh produce agent, who shall immediately make all arrangements deemed necessary by the General Manager to offload it and to place such article in the space or enclosure that is provided therefore.

15. Stacking, arranging and displaying

Every fresh produce agent shall make all arrangements deemed necessary by the General Manager to place, stack, arrange and display all articles received by him, at such time as the General Manager may determine and in such a way that they will have an orderly appearance, be conspicuous to intending buyers and adequately separated from other articles, whether or not the articles be of the same commodity or come from the same vendor or not. The General Manager may at any time direct a vendor or fresh produce agent to remove some or all of such articles to another space or area, or to re-stack, or re-arrange them anew or to re-display them.

16. Marking of containers

Every container shall be marked with the name and address of the owner, in clear and legible capital letters, on such container itself or on a label securely attached to it. All other names, addresses or marks, except the name, address or mark of the consignee and such other marks or labels as are required by law to appear thereon, shall be obliterated. No article may be displayed for sale, offered for sale or sold unless the container is marked as such.

17. Separation of produce

Every fresh produce agent shall remove or effectively separate all produce from any article received by him, which at any time is, or shows signs of being, deteriorated or damaged, and shall re-sort or repack such produce if, in the opinion of the General Manager, it is necessary to do so.

18. **Variation in quality**
No person shall bring or offer on the market any produce which is so packed that the produce at the top or sides of the container is of a better quality or larger than the produce in the other parts of the container.
19. **Selling by sample**
No fresh produce agent shall display for sale or offer for sale or sell from sample any article unless at least 60 % of the entire consignment is on the recognised sales area or in the designated cold storage area of the market at the time of such display for sale, offer for sale or sale.
20. **Variation between article and sample**
No fresh produce agent shall display a sample of any article for sale or sell any article from sample, unless such sample is truly representative of the entire consignment. The General Manager may satisfy himself in such manner as he may determine that the entire consignment is truly represented by the sample so displayed or offered for sale or sold.
21. **Responsibility for difference between article and sample**
Every fresh produce agent shall be responsible for any damage, inconvenience or loss suffered by any person who buys from sample an article that differs basically from the sample displayed or offered for sale. The decision of the General Manager as to whether the sample displayed or offered is truly representative of the article sold, shall be final and binding.
22. **Re-stacking of unsold produce**
Every fresh produce agent shall at the conclusion of each day's sales, re-stack all unsold produce in such a way as to give it an orderly appearance and in a position from which it will be clearly visible to intending buyers during the following day's sales and shall take every reasonable precaution to prevent deterioration of or damage to any article remaining unsold.
23. **Cleanliness of premises**
Every person to whom there has been allocated any office, area, stand, stall or other place in, on or from which to carry on business, shall at all times keep such office, area, stand, stall or other place and any roadways, gangways or passages adjoining it, neat and clean and shall immediately remove therefrom anything which the General Manager instructs him to remove. The General Manager may at any time inspect any such office, area, stand, stall or other place and any such roadways, gangways or passages and any vehicles or containers therein or thereon.
24. **Right to occupy or to trade**
No person shall occupy or trade from any office, area, stand, stall or other place, unless he has obtained the prior permission of the Council, and has paid any rent or fee lawfully due in respect thereof in advance. No tenant shall sub-let such office, area, stand, stall or other place, without the written consent of the Council, or its assignee and appropriate agreements to be entered into where necessary.
25. **Unauthorised activities**
No person shall sell, or offer, introduce, hawk with or carry about for sale, any article on the market without the prior permission of the General Manager.
26. **Commencement and closing of sales**
(1) Sales shall commence and close on the times as may be determined by the General Manager.
27. **Procedure before sales**
No article shall be displayed or offered for sale or sold until the provisions of sections 11 and 12, or whichever may be applicable, have been complied with, or unless the deliverer of any article, and the fresh produce agent or other person to whom it has been delivered, have in their possession either the original or a true copy of the documents referred to in the said sections, whichever may be applicable. Any copy of the original shall be deemed to be a true copy, if it is certified as such by the General Manager.
28. **Separate sales notes**
Every fresh produce agent or consignee that offers articles, shall sell separately and obtain separate market sales notes for every consignment of produce received from, or offered for sale by him on behalf of vendors, notwithstanding the fact that such consignments may be of the same commodity and from the same consigner.

29. Vendors at sales

Except with the prior permission of the General Manager, no vendor shall assist or attempt to assist the General Manager or fresh produce agent with the display or sale of his goods or interfere with or obstruct them in any way. Any instruction that such vendor wants to give regarding such goods shall be given either verbally, or, if so directed by the General Manager, in writing before the sale begins.

30. Auctions by General Manager

Every article offered for sale by public auction shall be auctioned by the General Manager or by a person authorised by him to do so, and no other person shall organise or conduct or attempt to organise or conduct any auction.

31. Delivery note before auction

Before a sale by public auction begins, the fresh produce agent concerned shall hand to the General Manager a true copy of a properly completed delivery note in respect of the articles concerned. The General Manager shall retain all such delivery notes until the expiration of the time allocated to the fresh produce agent for selling the articles entrusted to him.

32. Declaration before auction

Before a sale by public auction begins, the fresh produce agent concerned shall declare to the General Manager the grade, quality, condition, variety and exact quantity of the articles offered for sale. The General Manager shall announce the declaration so made, together with the minimum quantity to be purchased by each buyer, to all persons attending the sale, and such announcement shall constitute the conditions of sale, together with any other conditions as the General Manager may impose from time to time.

33. Market sales note at the auction

(1) The General Manager shall at the time of a sale by public auction, prepare a market sales note, signed by him and having the following inscribed thereon :

- (a) the number of the delivery note;
- (b) the full name of the vendor;
- (c) the name or number of the fresh produce agent;
- (d) the date on which the sale is held;
- (e) a description of the article and container;
- (f) the variety;
- (g) the grade;
- (h) the place of origin;
- (i) the mass (where applicable) and/or quantity received;
- (j) the quantity available for sale;
- (k) the quality;
- (l) the price per unit;
- (m) the name or number of the buyer;
- (n) the quantity purchased by each buyer;
- (o) such other information as he may deem fit to add.

(2) The General Manager shall provide the fresh produce agent concerned with a copy of every such market sales note as soon as the consignment or part thereof is sold or, if it is not sold, before the General Manager passes on to the next consignment.

34. Procedure at auction

(1) Every article offered for sale by public auction, shall be deemed to be sold to the highest bidder after the auctioneer knocked down the bid in respect of such article; if the fresh produce agent is willing to accept the price so realised. If not, the fresh produce agent shall declare the reserve price to the auctioneer, and the auctioneer shall announce such price to all persons attending the sale, and the highest bidder may thereafter accept or reject such price. Thereafter, provided the highest bidder accepts the article at the reserve price and does not purchase the whole number, other persons attending the sale, may obtain their requirements at such declared reserve price. Once a price has been declared, as described, it may not be changed for a period of 24 hours, and the original conditions of sale may not be changed in any way, except with the prior permission of the General Manager.

(2) If the fresh produce agent refuses to accept the highest bid obtained at the sale as a selling price for any article, he shall declare a reserve price. The highest bid, together with the reserve price, shall be inscribed on the market sales note by the auctioneer, and if no sale is made at the reserve price, the words "not sold" shall be inscribed by the auctioneer on the market sales note, which shall then be deemed to be a no sale market note.

(3) If no offer is made for any article offered for sale, the auctioneer may issue a no offer market note in respect thereof, by inscribing on the market sales note the words "no offer".

35. Controlled price

When the price of an article offered for sale by auction, is controlled or fixed by law, and the price so prescribed, is offered by persons attending the sale, the article shall be sold to the person who first made the bid at the controlled price. Should more than one person make a bid at the controlled price simultaneously, the General Manager shall either cancel the sale by public auction and direct that the article be sold by private treaty by the fresh produce agent concerned at the controlled price to the persons who attend the auction sale, in such a manner that each person receives a fair share of the available supply, or the General Manager may distribute the article in question at the controlled price among the bidders in a manner to be determined by him. No person may withhold such article from sale, unless directed to do so by the General Manager and no person shall offer or sell such article at a price in excess of the maximum controlled price, or offer or sell such article jointly with other articles that are not subject to controlled prices.

36. Alterations in market sales notes

The auctioneer shall initial every alteration on a market sales note, and the General Manager shall, after satisfying himself as to the reason for the alteration, countersign the altered note.

37. Roster of auction sales

Auctions shall be conducted according to a roster prepared by the General Manager in such a manner that every fresh produce agent in turn is given an opportunity to sell first. Every fresh produce agent shall be given a period of time, determined by the General Manager, within which the articles entrusted to him, may be sold. Every consignment shall be offered for sale only once during every round.

38. Re-auctioning

If the auctioneer has knocked an article down to the highest bid, and the sale is confirmed by the fresh produce agent, and the highest bidder has obtained his requirements, and a number of other buyers attending the sale ask to be served at the same price, the auctioneer may put the rest of the consignment up for auction again if, in his opinion, it will be to the advantage of all concerned. No responsibility shall, however, devolve upon the Municipality should a lower price be realised when the article is again put up for sale, but the General Manager or the fresh produce agent shall have the right to place a reserve price equivalent to the original highest bid on the article if a bid lower than the original highest bid is received when the article is re-auctioned.

39. Issue of documents

No person other than the General Manager shall issue or cause to be issued market sales notes or any other documents relating to collections, sales or deliveries. The cost, or portion thereof, attached to all or some of such documents, may be recovered from the fresh produce agents.

40. Time allowed to fresh produce agents

A fresh produce agent shall after he has arranged a specific time for his sales with the General Manager, commence immediately after announcement of his turn, failing which the General Manager may instruct the auctioneer to proceed to the next fresh produce agent. A fresh produce agent who failed to commence immediately shall forfeit the services of an auctioneer for the rest of the day.

41. Persons that are allowed within enclosure

Except with the permission of the General Manager no person other than the market officials, fresh produce agents or members of their staff shall be allowed within the enclosure or area in which sales are held. Every person shall forthwith leave such enclosure or area when directed to do so by the General Manager.

42. Refusal to sell

The General Manager may in his discretion refuse to accept any bid offered by any person at any sale by public auction, or refuse to sell any article to any person, if he has reason to believe that such person will be unable to pay the selling price or will not take delivery of his purchases, or if such person has contravened or failed to comply with any provision of these regulations.

43. Doubts and disputes

If the General Manager is doubtful as to the highest bid or the highest bidder, or if the person to whom an article is knocked down, immediately disputes the sale, the article shall again be put up for sale, and the Municipality shall not be responsible for any loss resulting from such re-sale.

44. General Manager's decision final

The decision of the General Manager as regards disputes on a bid and all other matters connected with sales, shall be final and binding.

45. Doubts as to ownership

The General Manager may refuse to put any article up for sale if he has reason to believe that such article is not the property of the vendor, or he may put such article up for sale on condition that the proceeds of the sale remain in his possession until such time as he has been satisfied as to the ownership of such article. The Municipality shall not be liable for any loss or damage caused to any person by such refusal to sell, or sale made on the condition set out above.

46. Sales at prices below the highest bid

Every fresh produce agent who has placed a reserve price on any article, and who later accepts an offer which is lower than the highest bid made for such article at the original sale, shall be responsible to and shall pay the vendor, in a manner to be determined by the General Manager, the difference between the highest bid received at the original sale, and the price at which the article was sold, unless the written permission of the General Manager had been obtained beforehand.

47. Reasonable price

The General Manager may declare that any article is unsold when the highest price offered is in his opinion not a reasonable price, and he may declare an article sold or direct that it be sold if he is convinced that the vendor by not concluding the sale may suffer inconvenience, loss or damage, unless the producer has given a contradictory order.

48. Inspection, grading, packing and marking

No article required by law to be graded, may be offered for sale or sold unless it has been submitted by the fresh produce agent concerned for inspection, and has been inspected as prescribed by law, and the grade assigned to it as a result of such inspection has been clearly marked on it by such fresh produce agent. No article required by law to be offered for sale or sold by mass, or to be packed, marked or graded in a prescribed manner, shall be offered for sale or sold or removed from the market unless it complies in every respect with the requirements of such law : Provided that the General Manager may in his discretion sell any article or direct that it be sold, if he deems it expedient to do so.

49. Collection and delivery

Every buyer shall collect his purchases as soon as they are ready for delivery to him, and every fresh produce agent shall deliver his purchases to the buyer as soon as he has paid the price, or as soon as such fresh produce agent is directed to do so by the General Manager. The fresh produce agent shall be responsible for delivering to the buyer the quantity, mass, quality, grade, variety and container, as the case may be, purchased by him. The buyer shall not be entitled to claim from and be compensated by the Municipality for any loss or inconvenience suffered as a result of non-compliance by the fresh produce agent with these provisions.

50. Purchase and sale by employees of the municipality

Except in an official capacity, nobody who is in the employ of the Municipality at the market, may bid on an article on the market or buy or sell it or may directly or indirectly be interested in the sale or purchase of any article sold or offered for sale on the market, save such as he may bona fide require for his private consumption or use.

51. Private treaty sales

No person except those authorised thereto by the Council shall conduct private treaty sales, and private treaty sales of such articles may only take place during such times and places and under such conditions as the General Manager may determine from time to time.

52. Sales dockets

(1) No article shall be sold by private treaty unless, at the time of sale, a sales docket complying with the provisions of section 52(2), is issued to the buyer by the fresh produce agent.

(2) Every sales docket referred to in section 52(1), shall be clearly and legibly written out and shall have the following inscribed thereon :

- (a) the date of sale;
- (b) the agent's code-mark;
- (c) the vendor's full name;
- (d) the buyer's full name or number;
- (e) the variety and count where applicable;
- (f) the type of container and/or the mass where applicable;
- (g) the quality, quantity and mass of the article sold, where applicable;
- (h) the price per unit;
- (i) the number of units that are sold;
- (j) the gross value of the sale;
- (k) such other information as may be required by the General Manager.

53. Preference

No fresh produce agent shall, when conducting private treaty sales, in any way give preference to any person.

54. How articles are to be sold

No article shall be sold except according to quality, mass, number, quantity or as otherwise prescribed by a law or as determined by the General Manager. If an article is sold by mass, the mass shall mean the nett mass.

55. Prepayment system

- (1) The Municipality may introduce a prepayment system to the fresh produce market;
- (2) All persons wishing to be registered onto and partake in the prepayment system should apply for an electronic card by way of paying a deposit as determined by the Council from time to time by way of resolution;
- (3) After receipt of such a deposit an electronic card will be issued to the cardholder, who applied for such a card, by the General Manager. Prior to utilising the card, the cardholder should deposit an amount of money with the General Manager, which amount will be reflected on the card as a credit.
- (4) The cardholder may purchase goods by tendering the card at the relevant fresh produce agents, who will swipe the card through the relevant devices after each sale, effecting a deduction of the purchase amount from the credit on the card;
- (5) Persons may be prohibited from purchasing anything on the market if they do not have a card, or the card do not reflect enough credit to pay for the proposed purchases.
- (6) The cardholder should exercise the necessary care with his card and the Council will not be held liable for any unauthorised deductions from the card, unless such deductions can be shown to be due to an error by the Council.

56. Containers are included

Unless otherwise directed by the General Manager or unless it be declared a condition of sale by the fresh produce agent, the purchase price of articles sold in containers, shall include such containers. The General Manager may, however, direct that containers shall not be removed from the market, or that they be returned by the buyers, or that a deposit, determined by the General Manager, be paid by the buyer on any container, and that such buyer forfeits his deposit if such container is not returned within a period determined by the General Manager.

57. Articles of inferior quality as sample

No buyer shall be obliged to accept any article which, in the opinion of the General Manager, is inferior to, or does not conform to the sample exposed at the sale, or which does not conform to the declaration made at the time of sale by the General Manager or the fresh produce agent: Provided that the buyer notifies the General Manager accordingly immediately after delivery of the article has been made to him, and that the article in dispute has not be fiddled or tampered with, unpacked, resorted or removed from the market. Any dispute regarding any article or the sale thereof shall be decided by the General Manager and his decision is in all such cases of dispute or complaint, final and binding.

58. Cash purchases and credit guarantee

- (1) Unless the Council determines otherwise, all persons purchasing articles on the market, shall pay the General Manager in cash the price thereof immediately after the sale has been concluded. Except with the permission of the Council and the relevant producer, no person shall purchase any article on credit. If permission is granted, the General Manager may demand a guarantee from any person buying article on credit.
- (2) No person, except the General Manager, shall accept money in respect of any articles that has been sold.
- (3) Agents may collect money from sales after official hours, only if prior arrangement for this is made with the General Manager and he agrees to this arrangement.

59. Penalties for late payment of accounts

The provisions of the Local Government: Municipal Systems Act, Act No. 32 of 2000, shall apply to any person who fails to pay his account for an article purchased on credit within fifteen (15) days from date of purchase. Credit for defaulting buyers will be suspended without detracting from the right of the Municipality to take steps for the recovery of the amount due.

60. Defaulting buyers

- (1) If any buyer fails to pay for articles purchased by him or to comply with any other provision of these by-laws relating to sales, or has left articles at the General Manager or a fresh produce agent, the General Manager may direct that such articles be sold again in such manner as he may deem expedient, and the defaulting buyer shall be responsible for any loss on such re-sales, plus such monies and charges as may be due in terms of these by-laws.
- (2) The General Manager may further, in the event of any such loss, and on receiving particulars thereof from the fresh produce agent concerned, refuse to take any more bids from such defaulting buyer. Only sales by way of private treaty shall be allowed between such defaulting buyer and a fresh produce agent. The General Manager will only take bids from such defaulting buyer once the loss has been made up or the said defaulting buyer has made other arrangements to the satisfaction of the General Manager.

- (3) No defaulting buyer shall fail or refuse to pay on demand by the General Manager any deficiency due by him, or appoint any other person to buy on his behalf or use the name of any other person in order to obtain articles.
- (4) The Municipality shall not be liable for any error in connection with any article left at a fresh produce agent or on the market by a defaulting buyer, or for any wrong description, shortage or excess in quantity or lack of quality, or for any loss, damage or inconvenience suffered by such defaulting buyer.
- 61. Measuring of mass**
When an article is offered for sale or sold by mass, the General Manager may direct that the mass of such article be measured in the presence of a buyer or prospective buyer at such place and on such scale as the General Manager may determine.
- 62. Responsibility for mass**
It shall be the responsibility of the fresh produce agent concerned to ensure that articles which by law or by direction of the General Manager shall be sold by mass, shall be the correct prescribed mass before they are displayed for sale, offered for sale or sold, and such mass shall be clearly and legibly marked on such articles or their containers.
- 63. Default by fresh produce agent**
When, in the opinion of the General Manager, a fresh produce agent has neglected to take all reasonable steps to sell any article with a minimum of delay at the ruling market price, or has failed to take all reasonable precautions to prevent deterioration or contamination of such article, the General Manager may notify the vendor and issue a market sales note in his favour in respect of such article at the price realised for similar articles on the day on which the article should have been sold. The said fresh produce agent shall pay to the vendor, in a manner to be determined by the General Manager, the value specified on such market sales notes, less any charges he is entitled to receive and less the price for which the deteriorated or contaminated article, or the article not sold when it should have been sold, has been sold. No responsibility shall devolve on the Municipality or the General Manager for having so notified the vendor, or for any loss or damage suffered by the fresh produce agent concerned as a result thereof.
- 64. Demand for payment by General Manager**
(1) The General Manager may demand, and recover any monies due by any person for or to whom any article has been sold, and if such person fails to pay such monies, the General Manager may set off such monies against any monies in his possession belonging to such person.
(2) If the General Manager is in control of monies and has reason to believe that if such monies are paid out to any person other than the person to whom they are lawfully due, they will not reach the person to whom they are lawfully due, he may either withhold payment of such monies to any person until he is satisfied that they will reach the person to whom they are lawfully due, or direct that they be paid direct to the person to whom they are lawfully due in a manner to be determined by him. No responsibility shall devolve on the Municipality for any action bona fide taken in terms of these regulations.
- 65. Unclaimed articles**
A storage fee, as determined by the Council from time to time by way of resolution, may be levied on any article left on the market and not claimed within forty-eight hours and not removed by the person entitled thereto, before it may be removed. Such articles, when not claimed or when the set storage fee is not paid, must be sold by the General Manager in the manner to be determined by himself, and the said General Manager shall hold the proceeds of such sale, less all monies and charges lawfully due thereon, on behalf of any person duly establishing his claim thereto.
- 66. Dumping and re-selling**
Except with the permission of the General Manager, no person shall dump or resell any article on the market which he has purchased on the market. No person may bring any article to the market for dumping or storing thereon until delivery can be taken by the owner or purchaser. The General Manager shall warn any person trying to do so, against such dumping, reselling or storing or take the necessary legal steps.
- 67. Off-loading**
(1) Every fresh produce agent shall proceed with reasonable despatch to load or cause to be loaded any barrow or other vehicle, when requested to do so by the General Manager.
(2) The Municipality shall not be responsible for the loss of or damage to or delay in delivery or off-loading of any article of the fresh produce agent or buyer.
- 68. Liability for loss or damage**
No liability shall devolve on the Municipality in respect of loss of or damage to any article from any cause whatsoever while such article is on the market.

69. Permits for fresh produce agents

- (1) No person shall carry on the trade or business of a fresh produce agent unless he shall first have obtained a permit from the Municipality to do so. The permit is not transferable without the written permission of the Council.
- (2) Every person carrying on such trade or does business, shall submit an application therefore on the official form obtainable from the General Manager, and shall lodge the completed form with the General Manager.
- (3) Every applicant shall satisfy the Municipality that he is a fit and proper person to carry on the trade or business of a fresh produce agent and that he has complied with the provisions of the law relating to fresh produce agents.
- (4) Every permit holder shall pay in advance to the Municipality a fee, as from time to time determined.
- (5) Every permit shall be valid from its date of issue until the following 31 December, unless it is otherwise cancelled or withdrawn. Every permit holder desiring to renew such permit, shall make application therefore when directed to do so by the General Manager, in terms of the provisions of subsection (2).
- (6) The Council may in its discretion withdraw or refuse to renew a permit.
- (7) The General Manager may in his discretion allocate stands to a fresh produce agent to carry on his business. No fresh produce agent shall sublet any such stand or place without the approval of the General Manager and the allocation may be withdrawn at any time by the General Manager if circumstances warrant it.

70. Other licenses

In addition to the permit issued by the Council, a fresh produce agent shall, before beginning to trade on the market, take out all such other licenses and furnish all such other surety bonds as he may be required to do by any other law. The issue of permits will be at the entire discretion of the Council notwithstanding the fact that intended applicants may comply with all the requirements and conditions for a permit or not.

71. Transfer of produce

The General Manager may, when instructed to do so by the vendor, transfer the produce belonging to such vendor from the fresh produce agent to whom the goods was originally consigned, to any other fresh produce agent named by the vendor.

72. Allocation of space to fresh produce agents

The General Manager may, subject to section 24, allocate space in the market area for the use by fresh produce agents as he may deem fit. No fresh produce agent shall place articles on floor space which has been allocated to another fresh produce agent without the prior approval of the General Manager.

73. Dust- and rubbish receptacles

Every person hiring premises on the market, shall provide an adequate number of dust- or rubbish receptacles of a type and size approved by the General Manager for use on such premises. No person shall place or cause to be placed any offensive matter in any such receptacles, and it shall be the responsibility of every person hiring such premises to ensure that the contents of such receptacles are regularly removed and dumped in a place determined by the General Manager.

74. Information required of fresh produce agents

Every fresh produce agent shall, when requested to do so by the General Manager, furnish him with any documents or information relating to arrivals and sales of and payments for all articles handled by such agent in the course of business.

75. The fresh produce agent is responsible for employees

Every fresh produce agent shall be responsible for the conduct of all persons in his employ and for the conduct of all persons in his employ and for any damage done to Municipality's property by such agent himself or by his employees, acting within the scope of their duties and instructions. Such agent shall forthwith institute adequate disciplinary measures as provide for in any relevant labour legislations against any employee contravening any law or regulation relating to the market, or any market rules or instructions issued by the General Manager, or convicted of any offence arising out of the execution of his duties or activities on the market, unless such conviction is set aside on appeal. No fresh produce agent shall engage or re-engage any person whose services have been so terminated after the finalization of such disciplinary measures.

76. Registration of employees

- (1) Every fresh produce agent shall register his employees with the General Manager in a manner to be determined by the General Manager, and shall notify all changes of personnel within three days to the General Manager who shall for this purpose keep a register, which shall set forth all relevant particulars relating to such employees.
- (2) The fresh produce agent shall ensure that if his employees are suffering from a contagious disease, they not be present at the market until such disease has been cured.

77. Permit for employees

- (1) Every fresh produce agent shall apply to the General Manager for a permit before employing any person, and shall not employ such person or allow him to begin work until the General Manager has issued a permit in respect of such person.
- (2) The General Manager may refuse to issue a permit, and may at any time cancel a permit if the person to whom it was issued is not a fit and proper person to hold it, or if such person has contravened any law or regulation relating to the market or any market rules or instructions issued by the General Manager. Any such permit shall be the property of the person to whom it was issued, and is not transferable. The holder shall produce it on demand by the General Manager or any duly authorised official at all reasonable times.

78. Protective clothing

Every fresh produce agent shall supply his employees with such protective clothing as may be required by the General Manager, and shall ensure that such clothing is distinctly marked with the code mark or the name of his firm, and numbered in a way determined by the General Manager, and that such clothing is at all times kept clean and in good repair. No fresh produce agent shall allow any employee to work on the market unless he is wearing such protective clothing.

79. General Manager may furnish information to vendor

The General Manager may furnish direct to any vendor copies of any market sales note covering the sale of any article sold on behalf of such vendor by any fresh produce agent, or such other information as may be deemed expedient. Every fresh produce agent shall, on request by the General Manager, furnish him with the name and address of any vendor on whose behalf such fresh produce agent has sold any article, as well as such other information as the General Manager may require.

80. Misconduct by fresh produce agents

If any fresh produce agent commits any breach of, or fails to comply with, the provisions of any law relating to the market, or any instructions issued by the General Manager, the Council may serve a notice on such agent calling on him forthwith to remedy such breach or failure, and if he fails to do so the Council may cancel and refuse to renew his permit, as well as his right of occupation of office or other accommodation, without prejudice to any other action the Municipality may be entitled to take against such agent.

81. Lease of push-carts and trolleys

- (1) No other equipment or vehicles, except such equipment and vehicles supplied by the Council or approved by the General Manager, may be used to convey or remove products, articles or empty containers from any section or area of the market to any other section or area of the market.
- (2) The equipment or vehicles supplied by the Council in terms of section 83(1) may be hired by any person : Provided that :
- (a) the prescribed rental is paid in advance to the General Manager;
 - (b) the lessee shall not lend or transfer it to any other person without the prior permission of the General Manager;
 - (c) when circumstances in the opinion of the General Manager justify such action, the said General Manager may at any time instruct any person to place it in any part of the market for as long as he deems necessary;
 - (d) the lessee shall return it to the General Manager in the condition received, fair wear and tear excepted. The lessee will nevertheless be responsible for any loss as a result of damage to it, or destruction or non-return thereof;
 - (e) no liability shall devolve on the Municipality for injury or damage to persons or property as a result of the use thereof, save where such injury or damage is caused by the wrongful or negligent act of employees of the Municipality;
 - (f) on the day of leasing, the lessee may use the equipment and vehicles as supplied by the Council up to 14:00 : Provided that the General Manager may shorten or lengthen the duration of the leasing period, if circumstances, in his opinion, justify such action and that as a result of this, no person shall have the right to claim against the Municipality;
 - (g) the type and maximum number of vehicles leased to any person per day, shall be determined by the General Manager according to circumstances;
 - (h) the lessee, on request of any duly authorised person, at any time has to give proof of his right to use such vehicle or equipment.

82. Cold storage and ripening

- (1) The Council may undertake the cold storage and ripening of articles, at tariffs laid down from time to time, to be paid by the person requiring such storage or ripening facilities, in such manner and at such time as may be determined by the General Manager. The said General Manager may refuse to release any articles so stored or ripened until the charges due to the Council in respect thereof have been paid.
- (2) All articles placed in cold storage or in the ripening chamber shall be at the entire risk of the person requiring such storage or ripening facilities and no liability shall devolve on the Municipality in respect of any loss, damage, shortage or delay arising from the maintenance of too high or too low temperature, failure of machinery or plant, flood, wind, sprinkler leakage, dampness, sweating, decay, putrefaction or destruction by vermin, Act of God, civil commotion, military authority, insurrection, strikes, lock-outs, labour-disputes, quarantine, war, explosion, the nature of the goods, inherent vice, contact with or proximity to other goods, concealed damage, variation or shrinkage in weight, defective or insufficient packages or containers, theft or any other cause whatsoever, except upon proof by the owner that such loss, damage, shortage or delay was occasioned by or through the wilful misconduct or negligence of an employee of the Municipality acting in the course of his employment.

- (3) Notwithstanding anything contained in section 84(2), the Municipality shall not be liable for damage, howsoever caused unless inspection of the articles concerned, or such sample of them as the General Manager may require, has been tendered to the General Manager before such articles are removed from the market, nor shall the amount of the Municipality's liability for any loss, damages, shortage or delay exceed the value of the articles concerned. "Value" for this purpose shall mean the average price realised on the market for similar article son the day on which the articles concerned are removed from the cold store or the ripening chamber.
- (4) All articles are accepted on the understanding that the contents, weights, quantities and values are unknown, unless a special endorsement to the contrary is made on the receipt issued for such articles when they are accepted for cold storage or ripening.
- (5) All articles shall be labelled, as determined in sections 16 and 48.
- (6) Articles will only be released from the cold store or ripening chamber on presentation of a written order from the store, or his duly authorised agent and provided a signed receipt for such articles is given to the General Manager.
- (7) The General Manager may at any time refuse to accept any article for cold storage or ripening if, in his opinion, circumstances then existing justify such refusal and he may order the immediate removal from the cold store or the ripening chamber of any article deemed by him to be unsound or liable to cause damage or constitute a nuisance, and if the owner of the article concerned, or his duly authorised agent, fails to comply with such order, the General Manager may remove such an article from the cold store or ripening chamber at the expense of such owner or agent, and no liability for any resulting damage or inconvenience shall devolve upon the General Manager or the Municipality.
- 83. Articles left behind in market area**
Any products stays behind in the market at the owner's responsibility.
- 84. Prohibition on dogs**
Nobody shall bring any dog on any part of the market during market hours. Any person whose dog is found in the area, must remove the dog immediately. The General Manager shall have the right to impound any dog that is found in the market.
- 85. Hawking prohibited**
Nobody shall hawk or carry about for sale any article, animal material or thing in any part of the market area. Every article, animal, material or thing thus hawked or carried around on the premises for the purposes of trade may be seized and taken into possession by the General Manager until the closing time of the market.
- 86. Rejected articles**
The medical officer of health may inspect, reject and dispose of any article brought for sale on the market, and no compensation shall be paid by the Municipality in respect thereof.
- 87. Parking of vehicles**
- (1) Nobody in control of any vehicle, may park such vehicle on any place except on the spaces that are set aside for such purpose from time to time by the General Manager : Such separate spaces next to the loading platforms may at the prepayment of the rental, as from time to time approved be reserved for any person. Provided that in the case of an emergency the General Manager may prohibit any person to park a vehicle in the place thus set aside.
- (2) No vehicles used for the delivery to or removal from the market of any article, shall remain on the premises longer than such period as is necessary for the loading or offloading, as the case may be. The General Manager determines the time that is necessary for such offloading and loading.

CHAPTER 3 MISCELLANEOUS

- 88. Obstruction**
No person shall place any article in the market area in such a manner that an obstruction or inconvenience is caused thereby. Nobody may erect any structure in the mentioned area without the prior written permission of the General Manager.
- 89. Damage to property of the municipality**
All persons moving into a premises, office, store table space, or stall, shall be responsible for all damage done during the use of tables, blocks, counters, equipment belonging thereto and plates or other property of the Municipality in general, except for normal wear and tear.
- 90. Liability of the municipality**
The Municipality shall not be held responsible or liable to any person for any loss, damage, injury or death resulting from or arising out of their presence at the market, which loss, damage or injury is not attributable to the neglect of normal duties by the employees of the Municipality.

91. Obstruction of officials of the municipality

Any person who hinders officials of the Municipality in the execution of their duties or who uses offensive language or who acts in a threatening manner or who refuses to obey any lawful order, shall be guilty of an offence.

92. Unauthorised use of spaces

Any person who uses, keeps or occupies any space in the market in an unlawful manner, shall be guilty of an offence and shall in addition be held responsible for the rental for the space and any damage caused by such unlawful occupation.

93. Market moneys, market commission and other fees

(1) Market dues shall be levied on all articles sold, in accordance with the stipulations of the Act or any other applicable legislation. It also applies to articles stored in the market or in cold storage, ripening chambers and the Municipality's store rooms and also on the letting of trolleys, offices, accommodation, etc.

(2) A fresh produce agent commission as determined by national regulations shall also be levied in respect of products.

94. Prohibition on wholesalers or their representatives trading

Wholesalers, their employees or representatives are not allowed to trade with fresh produce agents at the municipal fresh produce market.

95. Submitting of railway claims

Any claim rejected by the Railway Administration on the ground that the full consignment was delivered to the fresh produce agent or consignee in a sound and undamaged condition, shall be paid by the fresh produce agent or consignee concerned, and the value of such claim, less all lawful charges, shall be remitted to the vendor by such fresh produce agent or consignee in such manner and at such time as the General Manager may determine.

96. Dispute resolution

(1) Any dispute arising between fresh produce agents, traders, or persons other than the General Manager or any other employee of the municipality may be referred to the General Manager. Such a referral shall be in writing and accompanied by the written submission of all persons involved in the dispute.

(2) The General Manager shall set up a meeting for the resolution of the dispute referred in terms of subsection(1) and opportunity will be given to all parties involved to make representations.

(3) The General Manager shall provide his ruling on the representations to the parties concerned as soon as reasonably possible and such a ruling shall only be advisory of nature and shall not be deemed to be binding on the parties.

(4) Where a dispute arises which involves the General Manager or any other employee of the municipality, the matter shall be referred to the City Manager, whereupon the City Manager shall reasonably attempt to resolve the dispute. A ruling from the City Manager shall be of an advisory nature and shall not be deemed binding on the parties.

97. Offences and penalties

(1) A person who has committed an offence in terms of these By-laws is, on conviction liable to a fine or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

(2) Any expense incurred by the Municipality as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he or she failed to do, may be recovered by the Council from the person who committed the contravention or who failed to do such thing.

98. Repeal

The regulations regarding the Municipal Market promulgated under Administrator's Notice No 53 of June 12, 1979, as amended, are hereby repealed.

99. Short title and commencement

These by-laws are called the By-laws relating to the Municipal Fresh Produce Market and shall come into operation on the date of publication in the *Provincial Gazette*.

MANGAUNG**LOCAL MUNICIPALITY/PLAASLIKE MUNISIPALITEIT/LEKGOTLA LA MOTSE****BY-LAWS REGARDING CHILD CARE FACILITIES**

The proposed By-law relating to Child Care Facilities is hereby published in terms of the provisions of section 12(3) of the Local Government : Municipal Systems Act, 2000 (Act No 32 of 2000) for public comment and representations. A copy thereof may also be scrutinised at the following places:

- a. The notice boards on the ground floor of the Bram Fischer-building in Bloemfontein;
- b. On the Municipality's website at www.mangaung.co.za ;
- c. At Room number 313, 3rd Floor in the Bram Fischer Building , De Villiers Street 5 , Bloemfontein.

Any comments or representations on the proposed by-laws must be submitted to the City Manager in writing at Room 201, Bram Fischer Building, De Villiers Street, Bloemfontein or send by post to PO Box 3704, Bloemfontein 9300 or send via email to stephen.rautenbach@mangaung.co.za . All comments should reach the above persons on or before 10 March 2008. Any person who cannot write, may come during office hours on or before 10 March 2008 to Room 313 or 314, Bram Fischer Building, De Villiers Street, Bloemfontein where assistance with the transcribing of comments or representations will be provided.

Notice No 12 / 2008

**TM MANYONI
CITY MANAGER**

BY-LAWS

To provide for the registration and grading of child care facilities, for the regulation and management of activities in respect of the such facilities, and for matters in connection therewith

Preamble

WHEREAS the Constitution established local government as a distinctive sphere of government, interdependent, and interrelated with the national and provincial spheres of government; and

WHEREAS there is agreement on the fundamental importance of local government to democracy, development and nation-building in our country; and

WHEREAS there is fundamental agreement in our country on a vision of democratic, accountable and developmental local government, in which municipalities must strive within its financial and administrative capacity, to achieve their constitutional objectives by ensuring the provision of sustainable, effective and efficient municipal services to communities, by promoting social and economic development, by promoting a safe and healthy environment, and by encouraging the involvement of communities in the matters of local government; and

WHEREAS the Constitution authorizes and empowers municipalities to administer the local government matters listed in Part B of Schedules 4 and 5, which include child care facilities and any other matter assigned to it by national or provincial legislation, by making and administering by-laws for the effective administration of these matters;

BE IT THEREFORE ENACTED by the Municipal Council of the **MANGAUNG** Local Municipality as follows:-

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CHAPTER 1 INTERPRETATION

1. DEFINITIONS

(1) In these by-laws, unless the context other-wise indicates :

"act" means the Child Care Act, 1983 (Act No 74 of 1983);

"child" means a child admitted to a child care facility in terms of these by-laws or the Act and **"children"** has a corresponding meaning;

"child care facility" means any building or premises or part thereof which is maintained and used, whether for profit or otherwise, to care for, look after or temporary accommodate two or more children of different parents or guardians apart from their parents or guardians, for a full day or part of a day or night, with the inclusion of creches; creches-cum-nursery schools; nursery schools; day care premises; playgroup premises; after school centra and private hostels but shall not include a boarding school, school hostel or other establishment which is maintained or used mainly for the tuition or training of children and which is controlled by, registered at or approved by the Free State Provincial Department of Education;

"Council" means the municipal council of the **MANGAUNG** Local Municipality in which the executive and legislative authority of the municipality is vested, and which is the decision making body of the municipality, and its delegates;

"creche" means a building or premises or part thereof which is maintained or used for the custody and care of more than six children of pre-school going age during the whole or part of the day, on all or only some days of the week, but does not include a play group or day care premises.

“creche-cum-nursery school” means any building or premises where a nursery school programme applies and which is maintained or used for the custody, care and tuition of more than six children of pre-school going age during the whole or part of the day, on all or only some days of the week, but does not include a play group or day care premises;

“daycare premises” means any residential building ore or part thereof which is maintained and used, whether for profit or otherwise, to care for, look after or temporary accommodate two to a maximum of ten children of pre-school going age of different parents or guardians apart from their parents or guardians, for a full day or part of a day or night, but does not include a playgroup premises.

“holder” means the person who has applied for the registration of a child care facility in terms of the provisions of these by-laws or the Act, and to whom a registration certificate for the child care facility concerned has been issued;

“Executive Director: Community and Social Development” means the person appointed by the Council in this capacity or any person acting for him or who has been authorized by him to act on his behalf;

“municipality” means the MANGAUNG Local Municipality, and when referred to as :

- (a) an entity, means MANGAUNG Local Municipality and its delegates as described in section 2 of the Systems Act; and
- (b) a geographic area, means the municipal area of MANGAUNG Local Municipality as determined in terms of the Local Government : Municipal Demarcation Act, 1998 (Act No 27 of 1998);

“play group premises” means any residential building or premises or part thereof which is maintained and used, whether for profit or otherwise, to care for, look after or temporary accommodate two to a maximum of twenty children of pre-school going age above the age of three years, of different parents or guardians apart from their parents or guardians, for not more than five days per week between the hours 07h30 and 13h30, but does not include a day care premises;

“registration” means :

- (a) in the event of a child care facility where a maximum of six children are to be accommodated, registration with the municipality;
 - (b) in the event of a child care facility where seven or more children are to be accommodated, registration in terms of the Act (No 74/1983).
- (2) In these by-laws, unless the context otherwise indicates, words and expressions denoting the singular shall include the plural and vice versa, words and expressions denoting the male sex shall include the female sex and vice versa and reference to a natural person shall include a legal person and vice versa.

CHAPTER 2 REGISTRATION, GRADING AND RELAXATION

2. REGISTRATION

- (1) No child may be received or accommodated in a child care facility unless such facility has been registered in terms of these by-laws or the Act.
- (2) Application for registration of a child care facility in terms of these by-laws, shall be made to the municipality in writing by completing and submitting an application form as determined from time to time.
- (3) The Council may, before considering such application, require that it be furnished with any information in connection with the application concerned which it may deem necessary.
- (4) If the Council is satisfied that the child care facility comply with the prescribed requirements and that it will be managed and conducted in such a manner that it will be suitable for the purpose applied for, it may grant the application either unconditionally or on such conditions that the Council may deem necessary, and issue to the applicant a registration certificate.
- (5) Subject to the provisions of section 21, a registration certificate issued in terms of this section, may at any time be cancelled by the Council after at least one month's written notice of the intention to cancel the certificate has been given to the holder concerned, and after consideration by the municipality of any representations which may be submitted in pursuance of such notice. The cancellation of a registration certificate shall take effect on the date specified in the cancellation notice issued by the Council, which date shall not be earlier than 90 days after the date upon which the notice of cancellation was given.
- (6) A registration certificate shall not be transferable and shall be valid for a period of two years from the date that it was issued.

- (7) Application for renewal of a registration certificate for a child care facility registered in terms of these by-laws, shall be made to municipality in writing by completing and submitting an application form not later than one month before the registration certificate expires.
- (8) Any child care facility which immediately before the commencement of these by-laws, was registered and graded in terms of the Health Regulations for Creches and Creches-cum-Nursery Schools of the former Bloemfontein Municipal Council, shall as from the commencement of these by-laws be deemed to be registered and graded in terms of these by-laws.

3. GRADING SYSTEM

- (1) In considering a new application for the registration of a child care facility or the renewal of a registration certificate as contemplated in section 3, a decision on the appropriate grading level of the child care facility concerned shall be made :
 - (a) in accordance with the minimum standards as contained in the Schedule of Guidelines set out in Annexure A;
 - (b) by evaluating the conditions and circumstances that prevail during an inspection of the child care facility concerned; and
 - (c) consultation with the relevant officials of the Free State Department of Welfare.
- (2) The municipality's decision on the appropriate grading of the child care facility concerned shall be contained in a grading certificate, issued to the holder, which certificate shall be valid for a period of two years.
- (3) The grading of a child care facility may for appropriate and valid reasons be withdrawn or altered by the Executive Director: Community and Social Development after consultation with the relevant officials of the Free State Department of Welfare and after discussion with the holder.
- (4) The holder must submit the grading certificate of a child care facility or which the grading has been withdrawn or altered as contemplated in sub-section (3), to the Executive Director: Community and Social Development within seven days, failing which :
 - (a) in the event of a child care facility registered with the municipality, the grading as well as the registration shall terminate forthwith;
 - (b) in the event of a child care facility registered in terms of the Act, the Department of Welfare, shall be advised to withdraw its registration.

4. RELAXATION OF REQUIREMENTS

- (1) To ensure that as many child care facilities as possible operated legally and properly and to give guidance in the process of upgrading the quality of their facility and services, the Executive Director: Community and Social Development, subject to the provisions of subsection (2):
 - (a) may on his own initiative grant a relaxation on any requirement as stipulated in these by-laws to a standard that is acceptable to the municipality;
 - (b) must on written request by a holder grant a relaxation as contemplated in subsection (1)(a).
- (2) A relaxation shall only be granted :
 - (a) if it does not pose an immediate health danger or a substantial safety risk to anyone;
 - (b) if it is in line with the prevailing policy of the Free State Provincial Departments of Health, Welfare and Education, if applicable; and
 - (c) provided that :
 - (i) the child care facility concerned shall once again be subjected to a process of grading as contemplated in section 3; and
 - (ii) a certificate indicating the applicable grading received by the child care facility shall be displayed on a conspicuous position on the relevant premises for the notice of the general public; and
 - (iii) every parent or guardian concerned shall be informed by the holder of the outcome of the grading-process.

CHAPTER 3 FACILITIES AND REQUIREMENTS

5. PRESCRIBED FACILITIES FOR CHILDREN AGED 3 YEARS AND OLDER

Subject to the provisions of sections 12 and 13, the following facilities shall be provided in respect of child care facilities for pre-school children aged three years and older

(1) Office and Staff-room

- (a) An office;
- (b) A staff-room: Provided that one room may, subject to the approval of the Executive Director: Community and Social Development, be used as an office and staff-room combined.

(2) Play and isolation rooms

- (a) A playroom for play activities, serving of meals and sleeping purposes, with a minimum free-playing area of 1,8m² for every child.
- (b) An isolation room with a minimum floor area of 2m x 3m, fitted with a built-in hand wash basin with hot and cold running water, and equipped with a first-aid cupboard and equipment and bed or stretcher. Provided that one room may be used as an office and isolation-room combined, subject to the prior written approval of the Executive Director: Community and Social Development.

(3) Kitchen

A kitchen complying with the following requirements :

- (a) the kitchen, including the scullery area, shall have a minimum floor area of 12m² for a maximum of 50 children or part of such number of children accommodated, with an additional 0,2m² per child for 50 to 100 children and a further 0,1m² for every child in excess of 100.
- (b) the kitchen shall be provided with a double compartment sink, hand wash basin, vegetable washing sink, and where the Executive Director: Community and Social Development deems it necessary, an approved pot-washing sink shall be installed on the premises.
- (c) in the discretion of the Executive Director: Community and Social Development and after due consideration has been given to the manner, amount and nature of cooking undertaken on the premises, there shall be provided, immediately above every cooking stove, oven or similar apparatus, a hood or canopy of adequate size, having, a flue duct of at least 300mm in diameter, and in addition, such mechanical device as the Executive Director: Community and Social Development shall deem necessary in the circumstances, exhausting to the atmosphere at such a height and in such a position or manner as is necessary to prevent that the discharge therefrom constitutes a nuisance or annoyance to the neighbourhood: Provided that where the Executive Director: Community and Social Development is satisfied that the purposes of these by-laws will be effectively achieved thereby, a mechanical device may be provided instead of a hood or canopy as aforesaid.
- (d) the wash-basins mentioned in subsection (3)(b) shall be made of stainless steel or other approved impervious material and shall have an adequate supply of hot and cold running water effectively distributed and laid over the sinks and hand wash basins.
- (e) each bowl of the double compartment sink shall have a minimum depth of 225mm and minimum capacity of 55L.
- (f) the draining boards of the sinks shall be fitted with 150mm splash screens and installed 100mm from any wall surface, and every part of a wall surface within 600mm from any part of the sink or draining board so installed, shall be tiled or given some other approved finish having similar properties to a tiled surface, to a height of at least 1,5m from the floor.

- (g) the floor of the kitchen shall be of concrete or other similar impervious material.
- (h) natural light and ventilation shall be provided in accordance with the National Building Regulations.
- (i) wall surfaces shall be tiled or smooth-plastered and painted in light-coloured washable paint.
- (j) ceilings must be provided and shall be dust-proof and painted with a light coloured washable paint.
- (k) all cupboards, shelves and other equipment for the storage of kitchen utensils and equipment, shall be of metal and shall be so fitted or situated as to be easily cleaned and not to favour the harbourage of insects, rodents and other vermin.
- (l) all work tables shall be constructed of metal with a stainless steel top, or other approved impervious material.
- (m) the stove or other cooking units shall be so installed as to allow easy access between the stove or cooking unit and the adjoining wall surfaces to allow for cleaning.
- (n) facilities for the storage of vegetables shall be provided.
- (o) there shall be provided suitable refrigeration facilities for the storage of perishable foodstuffs.
- (p) there shall be provided a sufficient number of metal or other approved bins with covers for the temporary storage of refuse pending disposal.
- (q) nothing contained in these by-laws shall preclude the use of a domestic kitchen situated on the child care facility, provided such kitchen complies with the stipulations in these by-laws.

(4) Storage

- (a) A store-room or pantry, properly ventilated and rodent proof, having a minimum floor area of at least 6m² and minimum width of at least 2m.
- (b) Adequate storage for stretchers, bedding and linen.
- (c) Adequate separate storage for personal belongings of every child.
- (d) Adequate storage accommodation for indoor and outdoor play materials and equipment.

(5) Sanitary facilities for children

Sanitary and ablution facilities for the children complying with the following requirements:

- (a) easy access between ablution facilities, play rooms and outdoor play area.
- (b) one waterborne toilet for every 15 children or part of 15 children shall be provided. Seats should be of the tilt-up and front-cut-away type.
- (c) no division of toilets for the sexes is necessary.
- (d) one hand wash basin for 15 children or part of 15 children shall be provided and such basin shall be so fitted that the upper surface shall not be more than 500mm above floor level.
- (e) a constant supply of running cold water or thermostatic controlled water shall be provided to the hand wash basins set aside for use by the children.
- (f) the floors of the ablution block shall be of impervious material rendered to a smooth surface.
- (g) a sufficient number of impervious bins with covers for the temporary storage of paper, paper towels, tissues and other articles pending disposal shall be provided.

(6) Sanitary facilities for staff

- (a) Separate sanitary and ablution facilities for both sexes of staff, complying with the following requirements:
 - (i) Sanitary and ablution facilities for the staff shall be entirely separate from such facilities provided for the children, and shall have no direct communication with any apartment used in connection with the children.
 - (ii) One toilet and one hand-wash basin for every 15 persons or part of a number of 15 persons as well as one bath or shower for every 15 employees accommodated at nights on the premises shall be provided.
- (b) A constant supply of hot and cold water shall be provided to all washing facilities.
- (c) All hand wash basins shall be close fitting to walls and the walls at the rear of such basins shall be glaze tiled to a height of not less than 450mm above the upper surface of such hand wash basins, or be finished in some other material similar to tiling.
- (d) Soap, nail brushes and clean towels shall be available at the ablution facilities at all times.
- (e) Where no overnight accommodation for staff is provided on the child care facility and there are more than four persons employed, a cloak room or lockers for personal effects shall be provided.

(7) Laundry Services

Laundry facilities or -services shall be provided to the satisfaction of the Executive Director: Community and Social Development.

(8) Outdoor Play Areas

Outdoor play areas of at least 2m² per child shall be provided. This area shall provide for lawns and shade and for hard surfaces for wheel-toys. It shall be free of excavations and dangerous steps or levels, swimming pools or similar pools of water that are not fenced in accordance with the stipulations of the National Building Regulations and Building Standards Act, No. 103 of 1977, unprotected water pools, poisonous vegetation, unsafe, dangerous or unhygienic conditions, animals, substances or things.

6. PRESCRIBED FACILITIES FOR CHILDREN YOUNGER THAN 3 YEARS

The following minimum facilities shall be provided for the accommodation of children under three years of age.

(1) Office and Staff-room

- (a) An office;
- (b) A staff-room: Provided that one room may, subject to the approval of the Executive Director: Community and Social Development, be used as an office and staff-room combined.

(2) Isolation Room

An isolation room with a minimum floor area of 2m x 3m, fitted with a built-in hand wash basin with hot and cold running water, and equipped with a first-aid cupboard and equipment and bed or stretcher. Provided that one room may, be used as an office and isolation-room combined, subject to the prior written approval of the Executive Director: Community and Social Development.

(3) Nursery

A nursery which shall provide 3m² indoor area per child. Cots shall be arranged in such a way that there shall be a minimum of 750mm between the cots. A wash hand basin shall be provided in each nursery.

(4) General Kitchen

A kitchen as contemplated in section 5(3) and which comprises also of the following:

- (a) a sterilizing unit for sterilizing baby milk bottles; and
- (b) a refrigeration unit for the keeping of baby milk bottles.

(5) Storage

- (a) A storage room or pantry as contemplated in section 5(4) of these by-laws.
- (b) Storage for bedding and linen.
- (c) Storage for prams.
- (d) Storage for personal belongings of child.

(6) Sanitary and Ablution Facilities

Sanitary and ablution facilities for children complying with the following requirements:

- (a) A sluice sink, fitted with 150mm splash screen and installed 100mm from any wall surface. Every part of a wall surface within 600mm from a sink shall be tiled or given some other approved finish having similar properties to a tiled surface, to a height of at least 1,5m from the floor. A hand wash basin is to be provided.
- (b) A bathing unit, fitted with at least 2 baby bathing units for every 20 children, such units to be approved by the Executive Director: Community and Social Development. The flow of water to be supplied to bathing units by side inlets or movable overhead fittings and the temperature of the water shall be thermostatically regulated. A hand wash basin shall be provided in the bathing unit and a constant supply of hot and cold running water shall be provided to sluice sinks and hand wash basins.
- (c) For children not using napkins, toilet equipment of such a nature as meets with the approval of the Executive Director: Community and Social Development, shall be provided and shall be suitably stored.

(7) Napkin and Laundry Services

Napkins by means of :

- (a) a recognized napkin service, in which case provision shall be made for separate storage facilities for clean and soiled napkins; or
- (b) a laundry service on the premises in an approved laundry which shall comprise of three units as follows:
 - (i) receiving and pre-cleaning unit;
 - (ii) washing, drying and ironing unit;
 - (iii) storage and despatch unit.
- (c) General washing and laundry facilities on or off the premises shall be provided to the satisfaction of the Executive Director: Community and Social Development.

(8) Bins

A sufficient number of impervious bins with close fitting covers for temporary storage of soiled paper, tissues, paper towels and other articles pending disposal.

(9) Floors

Floors must be of impervious material.

(10) Staff Facilities

Sanitary and ablution facilities for the staff in terms of section 5(6) of these by-laws.

(11) Storage

Adequate storage for indoor and outdoor play materials and equipment.

(12) Outdoor Play Areas

A minimum outdoor area of 2m² per child shall be provided for the use of perambulators and play-pens and outdoor activities for the toddler group. This area shall provide for lawns and shade and shall further comply with the provisions of section 5(8) of these by-laws.

7. GENERAL REQUIREMENTS RELATING TO BUILDINGS

All child care facilities shall comply with the following requirements :

- (1) The buildings shall be constructed according to the provisions of the relevant legislation pertaining to buildings and in such a manner as to render the buildings safe and not injurious to health.
- (2) The window-area of all offices, playrooms, isolation rooms and other apartments for the accommodation of children, of store rooms, sanitary blocks, sculleries and laundries shall be equal to not less than one-tenth of the floor area. At least half of the prescribed window area in any such room shall be capable of being opened for ventilation purposes. Adequate artificial lighting shall be available throughout any such buildings. Windows in play rooms, office and isolation rooms shall not be more than 750mm from ground level and shall be constructed in such a way as not to open at a level dangerous to the children.
- (3) All floors and skirting shall be finished to a smooth surface, free of sharp edges or other dangerous defects.
- (4) Except as otherwise herein provided, the internal walls throughout shall be smooth surfaced and shall be covered with a light-coloured, durable washable finish.
- (5) All rooms shall be dust proof and provided with ceilings and ceilings and cornices shall be tight-joined and close-fitting and shall be covered with a light-coloured, durable washable finish.
- (6) All internal woodwork shall be of sound construction and so designed or fitted as not to favour the collection of dust or the harbourage of insects.
- (7) Every room shall be so provided with windows, doors or other openings as to ensure the proper cross-ventilation of such room.
- (8) All external walls, pillars, roofs, roof-gutters and down-pipes and any other external part of the building or buildings shall be of sound construction and in a clean state.

8. EQUIPMENT

Equipment for children in a child care facility shall comply with the following requirements:

- (1) Chairs shall be of such weight that they can be lifted by the child. They shall be free of splinters or other rough or dangerous surfaces and shall be of such a height as to permit the child to sit on with both feet on the floor. They shall not exceed 300mm in height for the age-group three years and older, and 200mm for the age-group under three years.
- (2) Tables shall be movable and shall be of strong solid construction. They shall be free of splinters or other rough or dangerous surfaces, and shall not exceed 450mm in height for the age-group three years and older and 350mm for the age-group under three years;
- (3) All beds, cots, stretchers, mats or other furniture for resting or sleeping purposes shall be designed to the satisfaction of the Executive Director: Community and Social Development and shall be used by only one child whose name or symbol shall be clearly affixed thereto. An adequate number of sheets, waterproof sheets, blankets or other bedding shall be readily available for use.
- (4) Indoor and outdoor playing equipment shall be provided and such equipment shall be of such a nature as not likely to enable a child to injure himself or cause injury to others.

9. MEDICAL CARE OF CHILDREN

Every registration holder of a child care facility and any person in charge of the children at a child care facility shall :

- (1) strictly observe all children for any signs of illness, indisposition or other abnormal conditions;
- (2) immediately after identifying any illness, indisposition or abnormal condition, notify the parent or guardian of the child concerned of the child's condition;
- (3) if necessary and subject to the prior consent of the parent or guardian, summon the private medical practitioner of any child suffering or suspected to be so suffering, or in the event of the unavailability of such medical practitioner, summon a medical practitioner appointed by the child care facility management;
- (4) immediately isolate the child or children concerned in the isolation room or area provided for the purpose, and devote all care necessary to the comfort and treatment of the child whilst on the premises;
- (5) carry out all instructions issued by the medical practitioner and in the event of a communicable disease or signs of child-abuse, shall immediately notify the Executive Director: Community and Social Development by telephone followed up by a written notification; and
- (6) keep a record of all injuries and illnesses which occurred whilst the child was on the premises.

10. PERSONAL TOILET EQUIPMENT

- (1) The following minimum personal toilet equipment shall be available for the use of each child in the child care facility :
 - (a) Face cloth
 - (b) Towel
 - (c) Handkerchief or disposable tissues
 - (d) Comb
 - (e) Soap
- (2) Provisions shall be made in the ablution block or in and adjacent apartment by means of safe hooks, lockers or other means approved by the Executive Director: Community and Social Development for the separate storage of the personal toilet equipment of each child in a child care facility.
- (3) Such storage accommodation and the personal toilet equipment stored shall be clearly marked in such a manner as to be easily recognized by each child.
- (4) Provisions shall be made for the boiling, washing or disinfecting of children's toilet equipment on a regular basis.

11. SAFETY MEASURES

The following measures shall be taken by a holder to ensure the safety of the children in a child care facility :

- (1) Adequate measures shall be taken for the protection of the children against fires, hot water installations, electrical fittings and appliances and electrical shock, heating appliances and any other article or thing which may be dangerous or cause injury to any child.
- (2) Any slats or rails used in enclosures, play-pens, beds, cots or for any other purpose whatsoever, shall be not more than 75mm apart and shall be firmly fixed and free from splinters or other rough or dangerous surfaces.
- (3) The premises shall be entirely enclosed by means of a suitable fence, wall or other means so constructed as to completely preclude children from leaving the confines of the premises of their own accord and prevent the entrance of domestic or any other animals. All gates or doors in such boundaries shall be close-fitting and securely locked or otherwise closed, so as to prevent them being opened by the children.

- (4) A first-aid box with the necessary materials and equipment as specified by the Executive Director: Community and Social Development, shall be provided on the premises and shall be readily available for use and kept out of the children's reach at all times.
- (5) All medicines, corrosive and other harmful substances shall be stored in a safe manner, and shall not be accessible to children.
- (6) No dog or cat or any noxious or poisonous plant or shrub shall be permitted on the premises or shall be accessible to the children.
- (7) No person suffering from any infectious or communicable disease and no person who has been in contact with any person so suffering, and who has not cleaned his person and clothing so effectively as to render him incapable of spreading such disease and no person whose body is not in a clean and healthy condition, shall be allowed on the premises of a child care facility.
- (8) The provisions of the regulations regarding the exclusion from school on account of infectious disease made in terms of the Health Act No 63 of 1977, as amended, shall apply to all child care facilities.
- (9) The sand-pit, when not used, must at all times be covered to the satisfaction of the Executive Director: Community and Social Development.

CHAPTER 4

PLAY GROUPS AND DAYCARE

12. PLAY GROUP PREMISES

Subject to the provisions of the relevant Town Planning Scheme, it shall be permissible to utilize a residential building or premises or part thereof as a play group premises for which the necessary registration has been obtained, subject to compliance with the following conditions :

- (1) Only the holder may conduct play group activities on such premises.
- (2) A play group may consist of only pre-school going children above the age of three years and shall not exceed 20 in number including such children which form part of the play group leader's household.
- (3) Play group activities may only be conducted during normal weekdays and must take place between the hours 07:30 and 13:30.
- (4) Whenever a play group is present on such premises, no child under the age of three years may be taken care of or looked after on the same premises: Provided that the provisions of this subparagraph shall not apply to a child under the age of three years who is a member of the household of the holder: Provided further, that whenever a child under the age of three years is found on such premises when a play group is also present, it shall be deemed to be taken care of or looked after there.
- (5) Indoor free-playing area of at least 1,8m² per child must be available and shall not include areas such as bathrooms, toilets, passages, bedrooms, servants rooms, kitchens, sculleries, washing rooms, garages and/or any other room or space so used or be in such a condition that it is according to the opinion of the Executive Director: Community and Social Development, not suitable to be included as part of the required area.
- (6) Only the following sections are mutatis mutandis applicable to play group premises :
1; 2; 3; 4; 5(4) and 5(5); 5(8); 7(1); 7(3) to and including 7(8); 8(4); 9 ; 10 ; 11(1) and 11(3), 14 and 22.

13. DAY CARE PREMISES

- (1) Subject to the provisions of the relevant Town Planning Scheme, it shall be permissible to utilize a residential building or premises or part thereof as a day care premises for which the necessary registration has been obtained.
- (2) The following section are mutatis mutandis applicable to a day care premises :
 - (a) all the sections as mentioned in 12(6) except 5(4); 5(8); and
 - (b) 6(4); 6(8) up to and including 6(12); 12(3).

CHAPTER 5 INSPECTIONS, DUTIES AND REGISTERS

14. INSPECTION OF CHILD CARE FACILITIES

- (1) A social worker, a nurse or any other person, authorized thereto by the Executive Director: Community and Social Development, may enter any child care facility in order to :
 - (a) inspect such facility and the books and documents appertaining thereto;
 - (b) observe and interview any child therein, or cause such child to be examined by a medical officer, psychologist or psychiatrist.
- (2) Any social worker, nurse or other person so authorized shall be furnished with a certificate to that effect, signed by the Executive Director: Community and Social Development, which he or she, when acting in terms of subsection (1), shall produce at the request of the holder or staff member of the child care facility concerned.
- (3) Any person who obstructs or hinders any social worker, nurse or other person so authorized in the performance of any function contemplated in subsection (1), or who fails to produce any child, book or document whose production a social worker, nurse or other person so authorized has demanded, shall be guilty of an offence.
- (4) The social worker, nurse or other person so authorized, shall submit a report the Executive Director: Community and Social Development after the performance of a function referred to in subsection (1). The Executive Director: Community and Social Development shall on receipt of the report, act as he may deem necessary and appropriate.

15. DUTIES OF THE REGISTRATION HOLDER

Every holder shall at all times :

- (1) maintain every part of the child care facility, including outdoor areas and all things belonging thereto, in good repair and in a tidy condition and free from dirt, filth or other noxious matters or things
- (2) keep all cutlery, crockery, utensils, vessels, containers, receptacles, appliances and equipment, used for the storage, preparation and serving of foodstuffs in a clean and hygienic condition and free of any defects;
- (3) provide and maintain efficient measures for the prevention and destruction of flies, cockroaches, rodents and other vermin in such child care facility, and provide and maintain in sound condition sufficient mosquito nets for the protection of children against flies or mosquitoes;
- (4) provide and maintain at all times suitable means for protecting all foodstuffs from contamination by dust, dirt, flies or any other cause;
- (5) provide at all times an adequate supply of soap, clean towels and nailbrushes at hand wash basins;
- (6) ensure that all persons engaged in the child care facility are clean in person and clothing;
- (7) provide clean and sound overalls or coats of light-coloured washable material and suitable head-coverings for the use of persons engaged in the handling, preparation and serving of food, and ensure that such overalls or coats are worn at all such times;
- (8) provide adequate storage space to the satisfaction of the Executive Director: Community and Social Development for toys, books and other indoor and outdoor toy materials and ensure that such storage space shall be within the easy reach of children from floor level;
- (9) ensure that the children are under the direct supervision of at least one responsible adult;
- (10) ensure that each child uses his own personal toilet equipment;
- (11) ensure that all meals provided to the children meet with the requirements of the Executive Director: Community and Social Development. Records of menus of all meals shall be kept, and shall be open to inspection. All menus shall be approved by the Executive Director: Community and Social Development.

16. APPLICATION FOR ADMISSION

- (1) Application for admission of a child to a registered child care facility, shall be made to the holder concerned by the parent or guardian in writing by completing and submitting an application form.
- (2) A child shall only be admitted to a registered child care facility after formal approval of the application by the holder.

17. REGISTERS

- (1) The holder shall keep an admission and discharged register of all the children admitted to and discharged from the child care facility concerned.
- (2) The holder shall keep a register of attendance in which the daily presence or absence of children at the child care facility shall be noted.
- (3) A diet register shall be kept in which the nature of and times when all foodstuffs are served, shall be noted daily.

18. MEDICAL REPORT

A medical report in respect of each child, containing the following information, shall be obtained and kept by each holder :

- (1) Information concerning the child's general state of health.
- (2) The ailments and other communicable diseases from which the child has suffered and the dates on which the child had such ailments.
- (3) Details of immunization against smallpox, poliomyelitis, tetanus, measles, whooping cough, diphtheria and tuberculosis or any other communicable disease.
- (4) Possible allergies and diseases such as epilepsy and food sensitivities.

19. JOURNAL

Each holder shall keep a journal in which important information such as accidents requiring hospitalization, medication to be taken and the programme of daily activities are noted in respect of each child.

**CHAPTER 6
MISCELLANEOUS****20. TERMINATION OF OPERATIONS**

A holder shall notify the Council in writing within in seven days of the temporary or permanent termination of the operations of the child care facility to which the registration relates and shall at the same time provide the existing registration and grading certificates.

21. TERMINATION OF REGISTRATION

Subject to the provisions of section 2(5), the municipality may suspend or withdraw a registration issued in terms of these by-laws, should the registration holder be found to harass or abuse, or to endanger the health or safety of, any child in a child care facility, or to misuse any drugs or alcohol or other habit forming substance or become mentally or physically disabled to act as a holder or be convicted of a breach of any of the provisions of these by-laws, provided that such holder must be given adequate opportunity to furnish reasons why such suspension or withdrawal should not be done: provided further that the Executive Director: Community and Social Development may notify all relevant parents or guardians of such pending suspension or withdrawal, the reasons thereof and the final outcome thereof.

22. OFFENCES AND PENALTIES

- (1) A person who has committed an offence in terms of these By-laws is, on conviction liable to a fine or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.
- (2) Any expense incurred by the municipality as a result of any such contravention or in the doing of anything, which any person was directed to do by or under any of these by-laws and which he failed to do, may be recovered by the municipality from the person committing the contravention or failing to do such thing.
- (3) Subject to an order as to costs by a competent court, the municipality may recover from any person the costs incurred by the municipality to collect or attempt to collect from such person, any amount due by him to the municipality in terms of these by-laws.

23. REPEAL

The following regulations are hereby repealed :

- (1) The Health Regulations for Creches and Creches-cum-Nursery Schools of the former Bloemfontein Municipal Council, promulgated by Administrator's Notice No 97 of 7 May 1976;
- (2) The By-Laws relating to the Control over Places of Care within the Area of Jurisdiction of Local Authorities of the former Mangaung City Council, promulgated by Government Notice R.2608 of 1983.

24. SHORT TITLE AND COMMENCEMENT

These by-laws are called the By-laws relating to Child Care Facilities and shall come into operation on the date of publication in the *Provincial Gazette*.

ANNEXURE A

**SCHEDULE OF GUIDELINES FOR MINIMUM STANDARDS FOR LEVELS OF REGISTRATION OF CHILD CARE FACILITIES
(SECTION 3)**

| STANDARD | LEVEL 1 | LEVEL 2 | LEVEL 3 | LEVEL 4 |
|--|--|---|--|---|
| | STARTING GRADE - PROVISORY REGISTRATION | DEVELOPING GRADE - INTERIM REGISTRATION | STANDARD GRADE - FULL REGISTRATION | TOP GRADE - FULL REGISTRATION |
| A. ENVIRONMENTAL HEALTH ASPECTS | | | | |
| 1. Structure of accommodation facilities | May be informal. Must be safe, adequately ventilated and lighted, impenetrable by rainwater, have a covered floor. | Must be of formal construction - complying with National Building Regulations | As per Level 2 - interior wall surfaces painted with washable paint | As per Level 3 |
| 2. Walls, floors, ceilings, windows | Openable openings (doors and windows) and covered floor | Solid, impervious floors, doors, walls, windows with glass. Painted walls and ceilings | Ceiling required. Safety glass (if applicable) to windows. Floors covered. Rest as per Level 2 | As per Level 3 |
| 3. Premises safety and hygiene | May be unfenced - water pools must be fenced off. No dangerous conditions. No access to dangerous articles or animals, poisonous plants or substances (like paraffin, cleaning agents, etc.) | Must be fenced off and with lockable gates. Must have lockable cupboard for dangerous/poisonous articles/substances. Further as per Level 1 | As per Level 2 | As per Level 3 and no access to garden equipment and dangerous tools/apparatus |
| 4. Water availability | Pure drinking water to be available: sealed watertank (screw top) plus tap or nozzle - alternatively a tap within 50 meters on same premises | As per Level 1 | On tap within 50 meters on same premises | On tap inside |
| 5. Toilet facilities | Screened-off area under roof cover with commodes, (1/20 children) plus potties (1/5 children). Disposal of contents: safe and hygienic - washing of potties/buckets not at tap | Pit (VIP) or bucket toilets plus step-ups and also potties for smaller children. Ratio: 1/20 children | As per Level 2 and potties for small children | Flush toilets (1:15 children) plus potties for small children. Separate staff toilets |

| | | | | | |
|-----|---|--|--|--|---|
| 6. | Wash basins with clean water | Plastic or similar basins and soap and clean towels or cloths - 1:30 children. Waste water sprayed (no pooling) on premises | As per Level 1 and step-ups for smaller children if basins are fixed. Ratio: 1/20 children | Basins on trolley, further as per Level 2 | Fixed with on tap running hot and cold water. Ratio: 1/15 children |
| 7. | Kitchen/cooking/food preparation facilities | A cooking area - to be out of reach of children. Table/work surface to be easily cleanable. Basin or bucket for washing-up + cleaning material. Food to be protected against contamination | Separate kitchen with shelves and covered floor and rest as per Level 1 | Separate kitchen with shelves and wash-up facilities (sink) plus hot water and fridge and cupboards, washable floor, enamel-painted walls and generally well equipped for food preparation. Cleansing agents and dust bins must be available | As per Level 3 and double bowl sink and running hot and cold water and pantry and freezer and flyscreening if necessary |
| 8. | Refuse accommodation | Bin or plastic bags + safe means of disposal | As per Level 1 | Plastic bag system - at least weekly removals | As per Level 3 and kitchen refuse bin with automatic lid provided in kitchen |
| 9. | Cleansing equipment | Water, mops, brooms, bucket/bin, cloths and soap | As per Level 1 | Running hot water and as per Level 2 + detergents and disinfectants | As per Level 3 + vacuum cleaner |
| 10. | Storage facilities | Boxes for toys and equipment. Boxes on stone base to prevent damp. Children's belongings to be stored separately | As per Level 1 + shelves | Separate store room with shelves and lockers or hooks for children's belongings/clothes | Level 3 + 1 locker per child |
| 11. | Indoor space | 1 m ² per child | 1m ² per child (2m ² if no outdoor space is available on premises) | 1,8m ² per child (3m ² if no outdoor space is available) | 1,8m ² per child over 3 years and 3m ² per child less than 3 years |
| 12. | Outdoor space | Nearby open space of 2m ² per child | As per Level 1 | 1m ² per child must be provided on premises | 2m ² per child must be provided on premises |
| 13. | Office facility | None required | Office area required | Separate office area required | Separate office required |
| 14. | Sick-bay | Separate space with mattress and blanket + <u>first aid kit</u> | May be part of office + <u>first aid kit</u> | May be part of office area + <u>first aid kit</u> | Separate or part of office + <u>first aid kit</u> |
| 15. | Fire fighting equipment | Bucket(s) with sand | As per Level 1 | Fire buckets (sand) and CO2 extinguisher(s) | As per Level 3 |

The relaxation of the requirements is applicable with regard to the above-listed aspects only and does not also imply an exemption from compliance with the rest of the requirements and standards

MANGAUNG
LOCAL MUNICIPALITY/PLAASLIKE MUNISIPALITEIT/LEKGOTLA LA MOTSE
BY-LAWS REGARDING INDUSTRIAL EFFLUENT

The proposed By-law relating to Industrial Effluent is hereby published in terms of the provisions of section 12(3) of the Local Government : Municipal Systems Act, 2000 (Act No 32 of 2000) for public comment and representations. A copy thereof may also be scrutinised at the following places:

- a. The notice boards on the ground floor of the Bram Fischer-building in Bloemfontein;
- b. On the Municipality's website at www.mangaung.co.za ;
- c. At Room number 313, 3rd Floor in the Bram Fischer Building , De Villiers Street 5 , Bloemfontein.

Any comments or representations on the proposed by-laws must be submitted to the City Manager in writing at Room 201, Bram Fischer Building, De Villiers Street, Bloemfontein or send by post to PO Box 3704, Bloemfontein 9300 or send via email to stephen.rautenbach@mangaung.co.za . All comments should reach the above persons on or before 10 March 2008. Any person who cannot write, may come during office hours on or before 10 March 2008 to Room 313 or 314, Bram Fischer Building, De Villiers Street, Bloemfontein where assistance with the transcribing of comments or representations will be provided.

Notice No 11 / 2008

TM MANYONI
CITY MANAGER

BY-LAWS

To provide for the regulation and management of the discharge of industrial effluent, and to provide for matters in connection therewith

Preamble

WHEREAS the Constitution established local government as a distinctive sphere of government, interdependent, and interrelated with the national and provincial spheres of government; and

WHEREAS there is agreement on the fundamental importance of local government to democracy, development and nation-building in our country; and

WHEREAS there is fundamental agreement in our country on a vision of democratic, accountable and developmental local government, in which municipalities must strive within its financial and administrative capacity, to achieve their constitutional objectives by ensuring the provision of sustainable, effective and efficient municipal services to communities, by promoting social and economic development, by promoting a safe and healthy environment, and by encouraging the involvement of communities in the matters of local government; and

WHEREAS the Constitution authorizes and empowers municipalities to administer the local government matters listed in Part B of Schedules 4 and 5, which include industrial effluent and any other matter assigned to it by national or provincial legislation, by making and administering by-laws for the effective administration of these matters;

BE IT THEREFORE ENACTED by the Municipal Council of the **MANGAUNG** Local Municipality as follows:-

4. Policy framework

The policy underlying these By-laws is the South African Manual for Outdoor Advertising Control issued by the Department of Environmental Affairs and Tourism and the relevant policy approved by the Council and dealing with matters of advertising.

CHAPTER 2 AREAS OF CONTROL, SIGNS, AND REQUIREMENTS AND CONDITIONS THAT RELATE TO EACH SIGN

5. Areas of control, and exemptions

- (1) The areas of control as contained in Schedule 36 and as may be re-classified by resolution of the municipality from time to time, pertain.
- (2) For the purposes of these By-laws the following areas of control exist:
 - (a) Rural areas of maximum control;
 - (b) urban areas of maximum control;
 - (c) urban areas of partial control;
 - (d) urban areas of minimum control; and
 - (e) areas of maximum control in which advertising is prohibited.
- (3) A person who intends to display a sign must verify that the sign may be displayed in a particular area of control.
- (4) The municipality has determined and declared the areas set out in Schedule 38 to be prohibited advertising areas within which no person may display any sign or advertisement.
- (5) The areas of control in which particular classes and types of signs may be displayed are identified in the Schedules which are specified in section 7(2).
- (6) Extraordinary circumstances prevailing in a certain area in the municipality may require the municipality to declare the area exempt from the provisions of these by-laws, and in determining whether extraordinary circumstances exist which justify exemption, one or more of the following may be taken into consideration:
 - (a) Whether an urban renewal programme is in place which warrants a unique approach to outdoor advertising within its focus area;
 - (b) whether exemption from these by-laws will contribute to the success of the urban renewal programme;
 - (c) whether the organisers of an international sports, arts or cultural festival require exemption from these by-laws to contribute to the success of the said festival;
 - (d) the nature and function of the defined area;
 - (e) the enhancement of the defined area, which can be achieved by means of exemption;
 - (f) the financial benefit to either or both the municipality or the urban renewal programme accruing from such an exemption;
 - (g) the nature and extent of outdoor advertising, which will be permitted in terms of the proposed exemption; and
 - (h) whether the exemption granted will be in the public's general interests.

(7) In the event of a special event, the municipality may, on application and payment of the fee determined by the municipality, grant, subject to any conditions it may deem necessary, an exemption from specific terms of these by-laws in respect of the sign types or areas of control, having regard to –

- (a) the area of control where it is proposed to display the sign;
- (b) the nature of the event;
- (c) the duration of the erection or display of the sign;
- (d) the size of the proposed sign;
- (e) any traffic, safety, environmental or heritage impact assessment as may be required by the municipality; and
- (f) the outcome of any public participation process, if so required by the municipality.

6. Signs, requirements and conditions

The schedules in section 7 have effect and -

- (a) identify the class to which each of the different kinds of signs belong, and provide a general description of the characteristics and functions of each of the different kinds of signs; and
- (b) lay down the specific conditions relating to the display of each of the different kinds of signs.

7. Schedules

(1) The classes of signs, the signs, the Schedules that relate to each of the signs, are as follows:

- (a) Class 1: billboards and other high-impact free-standing signs, comprising -
 - (i) class 1(a), super billboards, schedule 1;
 - (ii) class 1(b), custom-made billboards, schedule 2;
 - (iii) class 1(c), large billboards, schedule 3; and
 - (iv) class 1(d), small billboards and tower structures, schedule 4;
- (b) class 2: posters and general signs, comprising –
 - (i) class 2(a), large posters and signs on street furniture, schedule 5;
 - (ii) class 2(b), banners, flags and inflatables, schedule 6;
 - (iii) class 2(c), suburban signs, schedule 7;
 - (iv) class 2(d), temporary signs, comprising –
 - (aa) class 2(d)(i), estate agents' boards, schedule 8;
 - (bb) class 2(d)(ii), sale of goods, property or livestock signs, schedule 9;
 - (cc) class 2(d)(iii), pavement posters and notices schedule 10;
 - (dd) class 2(d)(iv), project boards, schedule 11; and
 - (ee) class 2(d)(v), temporary window signs, schedule 12;

- (v) class 2(e), street name advertisement signs, schedule 13;
 - (vi) class 2(f), neighbourhood watch signs and signs relating to similar schemes, schedule 14; and
 - (vii) class 2(g), product replicas and three-dimensional signs, schedule 15;
 - (c) class 3: signs on buildings, structures and premises, comprising –
 - (i) class 3(a), sky signs, schedule 16;
 - (ii) class 3(b), roof signs, schedule 17;
 - (iii) class 3(c), flat signs, schedule 18;
 - (iv) class 3(d), projecting signs, schedule 19;
 - (v) class 3(e), veranda, balcony, canopy, and underawning signs, schedule 20;
 - (vi) class 3(f), signs painted on walls and roofs, schedule 21;
 - (vii) class 3(g), window signs, schedule 22;
 - (viii) class 3(h), signs incorporated in fabric of building, schedule 23;
 - (ix) class 3(i), signs on forecourts of business premises, schedule 24;
 - (x) class 3(j), signs for residential-oriented land use and community services, schedule 25;
 - (xi) class 3(k), on-premises business signs, schedule 26;
 - (xii) class 3(l), signs on towers, bridges and pylons, schedule 27; and
 - (xiii) class 3(m), signs on construction site boundary walls and fences, schedule 28;
 - (d) class 4: signs for tourists and travellers, comprising -
 - (i) class 4(a), sponsored road traffic projects signs, schedule 29;
 - (ii) class 4(b), service facility signs, schedule 30;
 - (iii) class 4(c) tourism signs; schedule 31;
 - (iv) class 4(d), functional advertising signs by public bodies, schedule 32; and
 - (e) class 5: mobile signs, comprising –
 - (i) class 5(a), aerial signs, schedule 33;
 - (ii) class 5(b), vehicular advertising, schedule 34; and
 - (iii) class 5(c), trailer advertising, schedule 35.
- (2) The areas of control are set out in schedule 36.
- (3) The figures which illustrate the restrictions on advertising opportunities inside and adjacent to road reserves at traffic intersections are contained in Schedule 37.
- (4) The areas in which the display of signs is prohibited are set out in schedule 38.

CHAPTER 3
CONSENT AND WITHDRAWAL OR AMENDMENT OF CONSENT

8. Consent, and contracts

- (1) A sign may not be displayed without consent that was granted by the municipality -
- (a) by section 9 (referred to in these By-laws as "deemed consent"); or
 - (b) by section 10 (referred to in these By-laws as "specific consent").
- (2) Consent for the display of a sign includes consent for the use of the site for the purposes of the display, whether by the erection of structures or otherwise, however consent granted for the erection of an advertising structure cannot be construed as consent to use the structure for advertising purposes.
- (3) A person who displays a sign on Municipal land is a tenant at will.
- (4) Since new types of signs are continuously being developed, and since the use of existing signs may become undesirable, it is provided that -
- (a) a person who intends to display a sign -
 - (i) for which no provision is made in these By-laws;
 - (ii) which does not fall within any of the categories of signs provided for in these By-laws; or
 - (iii) the display of which is of such nature that it does not fall within the ambit of what is understood as 'display' in these By-laws,must, before such a sign is displayed, apply for approval of the sign and for the display of the sign in terms of section 10, and the municipality may furthermore prescribe conditions applicable to the sign or the display of the sign; and
 - (b) the municipality may in writing notify a person who is displaying a sign, the display of which is found by it to be undesirable, to remove or cease the display of the sign.
- (5) A lease of land within the jurisdiction of the municipality does not confer the right to use the land solely for the purpose of advertising.
- (6) If a sign is not appropriate to the type of activity on or zoning of the erf or site to which it pertains, the sign and the display thereof may be considered on its merits by the municipality in terms of the municipality's Outdoor Advertisement policy and the SAMOAC guidelines.
- (7) The municipality may require from a person who intends to display a sign -
- (a) to enter into a contract, such as, but not limited to, an agreement, with the municipality where the sign is to be attached to a municipal asset, or to be erected on municipal land or land vested in the municipality, and the municipality will determine the duration of the contract and the fees to be paid by the person to the municipality; and
 - (b) where the municipality so requires, to sign an indemnity form in favour of the municipality and the municipality's service providers.

9. Deemed consent

- (1) Deemed consent is hereby granted for the display of those particular classes and types of signs as specified in the Schedules, in the areas of control contemplated for each such class or type of sign.

- (2) The said deemed consent to display a sign is not absolute.
- (3) A person who intends to display a sign on private or Municipal land and has deemed consent is exempt from the provisions of section 10, but must comply with sections 18, 19, 20, 21 and 22.
- (4) Upon a proposal made to it by the Environmental Committee that a particular class or type of sign should not be displayed in a particular area of control or in a particular case, the municipality may direct that the deemed consent, which was granted for the display of a sign in that particular class does not apply in that particular area of control or in that particular case, and may by written notice, require the person who displays a sign, forthwith to remove the sign, or to file, within the time period specified in the notice, an application in terms of section 10.

10. Specific consent, application, factors which municipality may consider, and renewal

- (1) A person who intends to display a sign on private or Municipal land and who needs to obtain the specific consent of the municipality as specified in the Schedule that relates to the sign, must –
 - (a) complete the necessary application form and comply with all the other requirements and conditions which are specified in the application form;
 - (b) lodge two copies of the application form with the municipality;
 - (c) obtain the consent of the municipality before he or she may display or alter the sign;
 - (d) comply with all the other provisions of these By-laws; and
 - (e) upon lodging of the form contemplated in paragraph (b) pay all the prescribed fees and charges as determined by the municipality from time to time.
- (2) The municipality, when it considers the application, may have, in addition to other relevant factors, due regard to the following:
 - (a) That no sign should be so designed or displayed that it will –
 - (i) be detrimental to the environment or to the amenity of the neighbourhood because of size, intensity of illumination, quality of design or materials, or for another reason;
 - (ii) constitute a danger to any person or property;
 - (iii) obliterate other signs;
 - (iv) be unsightly or impact detrimentally upon an architectural design;
 - (v) impair the visibility of a road traffic sign; or
 - (vi) affect the safety of motorists or pedestrians;
 - (b) the size and location of the proposed sign and its alignment in relation to an existing sign on the same building or erf and its compatibility with the visual character of the area surrounding it;
 - (c) the fact that the proposed sign is to be located directly on or in the vicinity of trees, rocks, hill sides, other natural features and areas of civic and historic interest;
 - (d) the number of signs which is displayed or to be displayed on the erf or building concerned, and its legibility in the circumstances in which it is seen; and
 - (e) the merits of the sign if the sign is not appropriate to the type of activity on or zoning of the erf or site to which it pertains.

- (3) The municipality may require that additional drawings, calculations and other information be submitted on application and may require a certificate by an engineer. The certificate must give sufficient details –
- (a) to enable the municipality to establish if the proposed means of securing, fixing or supporting of a sign is sufficient to resist all loads and forces to which it may be exposed; and
 - (b) regarding the sufficiency of the margin of safety against failure, in compliance with the provisions of Regulation B1 of the National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977).
- (4) The municipality may grant consent subject to any condition it may deem expedient, or may refuse consent.
- (5) The municipality must, within 60 days after the application form has been lodged, notify the applicant in writing if consent has been refused or granted, and if consent is granted, the municipality must forward a notice of approval and one set of the application form and other documents that were submitted by the applicant to the applicant, and specify in the notice of approval the duration of the term of the consent.
- (6) A sign must be displayed within 12 months after the date on which the municipality granted consent, otherwise the consent expires.
- (7) The municipality must keep a register which is open to public inspection at all reasonable hours and which contains particulars of –
- (a) the application which was made to the municipality for specific consent for the display of a sign;
 - (b) the name and address of the applicant;
 - (c) the date of the application;
 - (d) the type of sign concerned; and
 - (e) any conditions relating to the display of the sign.
- (8) When a time period, which was specified in the approval expires, an application for renewal must, at least 30 days, if possible, prior to the expiry, be submitted for consideration of approval should a person who displays a sign intends to continue the display of the sign, and should the municipality refuse consent to display the sign, the person who displays the sign must forthwith cease to display the sign.
- (9) A person who must cease to display a sign must remove all structures or supports on which the sign was erected and rehabilitate the site on which the structures were erected.
- (10) The Municipality may, at any time, withdraw an approval granted by it or its predecessor, or amend any condition or impose a further condition in respect of consent granted, if a sign or sign structure –
- (a) is in a state of disrepair;
 - (b) stands empty for more than 90 consecutive days;
 - (c) no longer complies with any provision of these by-laws; or
 - (d) is substantially altered in any way from the original sign or structure that was approved.
- (11) All approved signs or advertisements should display an official sticker, number or other identifiable mark, developed and issued by municipality that can be used to determine the details of the sign. Signs without such identifying stickers, numbers or marks will be regarded as illegal and will be removed without any notice to the advertiser;
- (12) No person may in any manner whatsoever destroy, harm, damage or disfigure or deface the front or frontage of any municipal property, land, rock, tree or other natural feature or the front or frontage or roof of any building or structure during construction of or by the display or use of a sign or during the writing or painting of any sign.

11. Withdrawal or amendment of consent**(1) If a sign or its display –**

- (a) does not comply with any one or more of the provisions of these By-laws;
- (b) is in a state of disrepair;
- (c) constitutes a danger to members of the public;
- (d) is erected on municipal property, which property is required for municipal purposes after approval was given; or
- (e) is undesirable in terms of section 8(4)(b),
- (f) needs to be removed or relocated to prevent competition with essential new road traffic signage or traffic control measures as a result of road or traffic control improvements;
- (g) had been approved as a result of a misrepresentation by an applicant;

the municipality may at any time, and if necessary to do so to remedy a substantial injury to the amenity of the locality, decide to take any one or more of the following actions:

- (i) to withdraw its consent for the display of a sign;
- (ii) to amend any condition relating to the display of a sign;
- (iii) to impose a further condition to the display of a sign; or
- (iv) to order that the display of the sign be discontinued.

(2) In extraordinary circumstances, such as required by the organizers of an international sports, arts or cultural event, the municipality may require from advertisers in certain areas of the municipality, to remove, cover up or cease to display all signs indicated by the municipality for a specific period of time, as required by the organizers of the event to contribute to the success of such an event, and –

- (a) the municipality shall not be liable to pay any compensation to the advertisers of these signs for the determined period;
- (b) the municipality shall inform such advertisers by way of notices as prescribed in subsection (3); and
- (c) the municipality shall be entitled to remove such signs, cease to display or cover up such signs if an advertiser fails to comply with the said notice.

(3) The municipality must serve a notice of its decision on the person who displays the sign, and the notice must –

- (a) specify a period within which the sign is to be removed, or within which the use of the site is to be discontinued, and contain a full statement of the reasons why the display of the sign must be terminated; or
- (b) specify any amendment to a condition relating to the display of the sign, and if applicable, a time period relating to the amendment; or
- (c) specify any further condition which is imposed, such as, but not limited to, the remediation of the site on which the sign was displayed to its original condition, and if applicable a time period relating to the further condition; or
- (d) if consent for the display of the sign is withdrawn, inform the person who displays the sign to remove the sign immediately, and
- (e) specify the sign or the site to which it relates.

- (4) Where an advertisement is approved along a provincial or national road by another responsible road authority, the permission of the municipality must also be obtained if the advertisement will be located in the jurisdiction of the municipality, or where the signs will be visible from any municipal roads. Similarly, where the municipality approves a sign that will be focused on a provincial or national road, the permission of the relevant road authority also needs to be obtained before a sign may be displayed;

CHAPTER 4

DISPLAY OF UNAUTHORISED SIGN, ALTERATION OF EXISTING SIGN, DEPARTURE FROM APPROVED FORM OR PLAN, EXEMPT SIGNS, PROHIBITED SIGNS, AND TEMPORARY SIGNS

12. Display of unauthorised sign

- (1) No person may display an unauthorised sign on private or Municipal land.
- (2) A person who displays an unauthorised sign on private or Municipal land must, after service on him or her of a notice of compliance in terms of section 25(2) to that effect, immediately cease to display the sign by removing it and the structures on which the sign is affixed.
- (3) If, before the date specified in the notice, the person satisfies the municipality that he or she has complied with the provisions of these By-laws, the municipality may withdraw the notice.

13. Alteration of existing sign

- (1) No person may, without the prior approval of the municipality, alter an existing sign on private or Municipal land in instances where the display of the sign is subject to specific consent.
- (2) A person who alters such a sign displayed on private or Municipal land must, after service on him or her of a notice of compliance in terms of section 25(2) to that effect, immediately cease or cause to cease any alteration to the existing sign and must restore it to the state or display which had been approved by the municipality.

14. Departure from approved form or plan

- (1) No person, having obtained specific consent for the display of a sign on private or Municipal land, may do anything in relation to the sign which is a departure from any form or plan approved by the municipality.
- (2) A person must, after the service upon him or her of a notice of compliance in terms of section 25(2) to that effect, immediately discontinue or cause to be discontinued such departure.

15. Exempt signs

Display of the following sign is exempt from the provisions of these By-laws:

- (a) A sign which is displayed in an arcade and which is not aimed at road users;
- (b) any price ticket which is smaller than 0,01 square metres on an item that is displayed in a shop-window;
- (c) a sign which is displayed inside a building at a distance of more than two metres from any window or external opening through which it may be seen from outside the building and which is not aimed primarily at attracting the attention of road users;
- (d) a road traffic sign which is displayed in terms of an Act of Parliament, Provincial legislation, or By-law;
- (e) a sign which is displayed as required in terms of an Act of Parliament, Provincial legislation, or By-law;
- (f) a banner or flag that is carried through the streets as part of a procession;
- (g) a national flag, which is hoisted on a suitable flagpole, with nothing attached to the flag and with no advertising material attached to the flagpole;

- (h) on Municipal land, a sign which is displayed on the initiation of the municipality in terms of an adjudicated tender or concession, and a sign which is owned by the municipality; and
- (i) a sign displayed inside a sports stadium and which is not visible from outside the stadium.

16. Prohibited signs

- (1) The following signs may not be displayed or caused to be displayed:
 - (a) a walking poster;
 - (b) a swinging sign;
 - (c) a sign painted on, attached to, or fixed between the columns or posts of a veranda;
 - (d) an animated or flashing sign, the frequency or the animation's or flashes or other intermittent alterations of which disturbs the residents or occupants of any building or is a source of nuisance to the public;
 - (e) a sign displayed on land not in accordance with the relevant zoning or consent use as per the applicable Town-planning Scheme;
 - (f) a sign painted on a boundary wall or fence in an urban area of maximum control and a rural area of maximum control;
 - (g) an advertising sign, which is suggestive of anything indecent or which may prejudice the public morals;
 - (h) a poster pasted onto supporting columns, walls, pillars or any poster pasted otherwise than on a hoarding legally erected for the purpose of accommodating such poster;
 - (i) a permanent sign of which the maximum display period has expired; and
 - (j) unless approval has been obtained, an advertisement or any distribution of pamphlets or promotional material, inside a road reserve.
- (2) No vehicle to which is attached or on which is displayed an advertisement, may be parked in any area of control with the sole purpose of drawing the public's attention to the advertisement attached to or displayed on the vehicle.
- (3) No sign may be displayed in an area identified in Schedule 38.
- (4) No person or business may without the written consent of the municipality, in any manner and with or without the object of informing the public of any -
 - (a) opinion, event or phenomenon of whatever nature, be it factual or fictional, be it past, present or future; or
 - (b) product, commodity, or merchandise, be it in existence or not, disseminate to any person or attach to any object a leaflet, brochure, handbill or any similar article in any public place or area within the municipality's jurisdiction.
- (5) A person who intends undertaking an activity specified in subsection (4) must complete and submit the necessary application form, and the municipality may –
 - (a) reject the application, in which case the dissemination or attachment of the leaflet, handbill or article is prohibited; or
 - (b) approve the application on such conditions as the municipality deems fit.
- (6) Merchandise may not be displayed for purposes of advertisement in an area that has not been approved by the Municipality for the display of merchandise.

17. Temporary signs

The display, at a special event such as a sporting event and a festival, of a temporary sign containing the name of the sponsor is subject to specific consent, and the sign –

- (a) may be displayed as set out in the Schedules to these by-laws;
- (b) must be dismantled within three days after the conclusion of the event;
- (c) may, subject to the provisions of section 5(3), be displayed in all areas of control; and
- (d) must be located within the boundaries of the demarcated area in which the event takes place.

CHAPTER 5**SAFETY, DESIGN AND CONSTRUCTION, MAINTENANCE, POSITION, AND ILLUMINATION OF SIGNS****18. Amenity, safety and decency of signs****(1) No sign may –**

- (a) be detrimental to the environment or to the amenity of a human living environment by reason of size, shape, colour, texture intensity of illumination, quality of design or materials or for any other reason; or
- (b) unreasonably obscure, partially or wholly, any sign owned by another person previously erected and legally displayed.

(2) No advertisement or advertising structure –

- (a) may constitute a danger to any person or property;
- (b) may be so placed or contain an element as to distract the attention of a driver of a motor vehicle in a manner likely to lead to unsafe driving conditions;
- (c) that may be illuminated in terms of these by-laws, may be illuminated to the extent that it causes discomfort to or inhibits the vision of an approaching pedestrian or driver of a motor vehicle, or disturbs the residents or occupants of any building, or is a source of nuisance to the public;
- (d) may obscure a pedestrian's or motor vehicle driver's view of a pedestrian, a road or rail vehicle or a feature of the road, railway or pavement such as a junction, bend and a change in width;
- (e) may project over a pedestrian route, unless the clear height of such sign exceeds 2,4 metres or in the case of a cycle circulation route the clear height exceeds 3,0 metres ;
- (f) may obstruct any fire-escape or the means of egress to a fire-escape, or obstruct or interfere with any window or opening required for ventilation purposes of a building, or obstruct any stairway or doorway or other means of exit from a building, or prevent the movement of persons from one part of a roof to another part thereof;
- (g) may exceed the minimum clearance with regard to overhead power lines as prescribed in regulation 15 of the Electrical Machinery Regulations, No R1593 in GG. 11458, 12 August 1988, with the further provision that permission must be obtained from the relevant supply authority before any advertising structure may be erected in a power line servitude;
- (h) may resemble a formal road traffic sign in colour, shape or general appearance, or be of such nature that it could be mistaken for, or cause confusion with or interfere with the functioning of a road traffic sign or signal;
- (i) if located within the road reserve, may be closer than 25m from a formal road traffic sign;
- (j) may obscure a road traffic sign or signal;
- (k) may create a road safety hazard; or

- (l) may, if located within a road reserve, contain retro-reflective material, unless such material is required in terms of the specifications of the South African Development Community Road Traffic Signs Manual.
- (3) A sign or advertisement positioned along a road and specifically targeting the road user must be concise and legible and must comply with the following requirements:
 - (a) No sign displaying a single advertisement or message may exceed 15 "bits" of information, and no combination sign or any other sign displaying more than one advertisement or message may contain more than six "bits" of information per enterprise, service or property, or per individual advertisement or message displayed on the combination sign, and "bit" values must be calculated as follows:
 - (i) A word of up to eight letters inclusive has a bit value of 1;
 - (ii) a number of up to four digits inclusive have a bit value of 0,5;
 - (iii) a number consisting of five to eight digits have a bit value of 1; and
 - (iv) a symbol, logo or abbreviation has a bit value of 0,5.
 - (b) A letter or digit must have a minimum size of 50 millimetres and must increase in size by 25 millimetres for every 15 meters distance away from a viewer.
 - (c) Street numbers indicating specific premises must have a minimum size of 150 mm and a maximum size of 350 mm;
 - (d) The minimum letter size to be used on an advertising sign inside a road reserve is 80mm.
 - (e) No message may be spread across more than one sign or sign panel.

19. Design and construction of sign

- (1) A sign -
 - (a) must be constructed and executed and finished in a workmanlike manner, and structural details should be in accordance with existing generally accepted and tested designs, or designed by an engineer;
 - (b) may not be detrimental to or have a negative aesthetic impact on the urban design, streetscape or the character of the surrounding area by way of the design of the structure or device;
 - (c) must have a neat appearance and must consist of durable materials in accordance with the function, nature and permanence of the advertisement, sign or structure, and materials such as cloth, canvas, cardboard, paper or synthetic cardboard should be used only when essential to the nature and function of a particular sign;
 - (d) must have a neat appearance in terms of advertisement content and signwriting and an untidy handwritten message should be avoided as far as possible;
 - (e) may not with an electrical services provision and any other accessory deface a building facade;
 - (f) must be rigidly and securely attached, supported or anchored in a safe manner so that unwanted movement in any direction is prevented;
 - (g) must be capable of effectively securing, supporting and maintaining not less than twice its mass with the addition of any force to which the sign may be subjected, including wind pressure;

- (h) wherever necessary in accordance with the nature of the sign and when attached to brickwork, masonry or concrete, must be securely and effectively attached thereto by means of bolts securely embedded in such brickwork, masonry or concrete or passing through the same and secured on the opposite side; and
 - (i) when attached to a conservation-worthy building, must be attached with the necessary expert advice in order to prevent damage to the building.
- (2) An advertiser or contractor -
 - (a) may not use water-soluble adhesive, adhesive tape or similar material to display or secure any sign or advertisement;
 - (b) may not display or secure any sign or advertisement elsewhere than on a billboard, board or any structure provided for this purpose;
 - (c) must have all exposed metalwork of any sign painted or otherwise treated to prevent corrosion, and all timber treated to prevent decay, which painting and treating must be done in such manner that no pollution occurs or damage is done to the surrounding area; and
 - (d) must have measures taken to prevent the entry of water into and the accumulation of water or moisture on or in any sign or any part of its supporting framework, brackets or other members.
- (3)
 - (a) All glass used in signs, other than glass tubing used in neon and similar signs must be safety glass at least three millimetres thick.
 - (b) Glass panels used in signs may not exceed 0,9 square metres in an area and must be securely fixed in the body of the sign, structure or device independently of all other panels.
- (4) Every illuminated sign and every sign in which electricity is used -
 - (a) must have a power cable and conduit containing an electrical conductor positioned and fixed so that it is not unsightly;
 - (b) must be constructed of material which is not combustible;
 - (c) must be provided with an external switch in an accessible position whereby the electricity supply to the sign may be switched off; and
 - (d) must be wired and constructed in accordance with and subject to the provisions of the Mangaung Electricity by-laws.
- (5)
 - (a) No person may, in the course of displaying or removing any sign, advertisement structure or device, cause damage to any tree, electrical standard or service or other public installation or property.
 - (b) Signage, or its brackets, on lamp posts may not cover or damage any markings such as codes or symbols on the poles.
 - (c) Protective sleeves must protect the paintwork on electric lamp posts against possible damage which may be caused by brackets securing advertising signs against such poles, and the design of these brackets and the signage must be approved by the person in charge of Electricity provision for the municipality for each type of sign and lamp post to be used.

20. Maintenance of sign

- (1) Maintenance of signs and their structures on Municipal land is the responsibility of the person who displays the sign, excluding the municipality, and should the municipality carry out any maintenance work as result of poorly maintained signs being attached, the municipality may claim the cost of such repairs from the person who displays the sign.
- (2) A sign must –
 - (a) where possible, be located at a height that discourages vandalism;
 - (b) be serviced, cleaned and repainted on a regular basis; and

- (c) be maintained in good repair and in a safe and proper condition according to the highest standards as regards quality of structures, posting and sign-writing.

- (3) All signs contemplated in section 7(1)(a), being signs in class 1 (billboards and other high-impact free-standing signs) signs must be serviced, cleaned and painted in the manner and in accordance with the timeframes set out in the Schedules to these By-laws

21. Position of sign

- (1) A sign –

- (a) may not be displayed on a road island or road median, with the exception of a sign contemplated in section 7(1)(b)(v), being a sign in the class 2(e) (street name advertisement signs);
- (b) may not be suspended across a road, with the exception of –
 - (i) a sign contemplated in section 7(1)(c)(i), being a sign in the class 3(a) (sky signs); and
 - (ii) a sign contemplated in section 7(1)(b)(ii), being a banner in the class 2(b) (banners, flags and inflatables), suspended across an urban road other than a freeway and as part of a streetscaping project;
- (c) may not be displayed within or suspended above a road reserve or within a distance of 50 metres outside the road reserve boundary of a freeway, with the following exceptions and provided that these exceptions, subject to subsection (1)(a), do not allow for the display of a sign on a road island or road median but only for the display of a sign on the side of a road reserve:
 - (i) A sign contemplated in section 7(1)(b)(iv)(dd), being a sign in the class 2(d)(iv) (project boards), that concern road construction, and a sign contemplated in section 7(1)(d)(i), being a sign in the class 4(a) (sponsored road traffic projects signs), and a sign contemplated in section 7(1)(d)(iii), being a sign in the class 4(c) (tourism signs), may be displayed within a road reserve;
 - (ii) a sign contemplated in section 7(1)(b)(v), being a sign in class 2(e) (street name advertisement signs) may be displayed within a road reserve of a proclaimed main road other than a freeway and cognisance must be taken of the architectural styles of sensitive areas;
 - (iii) a sign contemplated in section 7(1)(b)(iv)(dd), being a sign in the class 2(d)(iv) (project boards) that does not concern road construction may be displayed within a road reserve other than a freeway, but only next to the actual development site and only if sufficient space is not available on such a site;
 - (iv) a sign contemplated in section 7(1)(b)(i), being a sign in the class 2(a) (large posters and signs on street furniture), a sign contemplated in section 7(1)(b)(ii), being a sign in the class 2(b) (banners, flags and inflatables), a sign contemplated in section 7(1)(b)(iii), being a sign in class 2(c) (suburban signs), a sign contemplated in section 7(1)(b)(vi), being a sign in the class 2(f) (neighbourhood watch signs and signs relating to similar schemes), a sign contemplated in section 7(1)(c)(iv), being a sign in class 3(d) (projecting signs), a sign contemplated in section 7(1)(c)(v), being a sign in the class 3(e) (veranda, balcony, canopy and underawning signs), and a sign contemplated in section 7(1)(d)(iv), being a sign in the class 4(d) (functional advertising signs by public bodies) may be displayed within an urban road reserve other than a freeway;
 - (v) a sign contemplated in section 7(1)(b)(iv)(cc), being a sign in the class 2(d)(iii) (pavement posters and notices), and a sign on a bridge contemplated in section 7(1)(c)(xii), being in the class 3(l) (signs on towers, bridges and pylons) may be displayed within an urban road reserve other than a freeway but only in an area of partial control and an area of minimum control;
 - (vi) a sign contemplated in section 7(1)(c)(iii), being a sign in the class 3(c) (flat signs), a sign contemplated in section 7(1)(c)(iv), being a sign in the class 3(d) (projecting signs), and a sign contemplated in section 7(1)(c)(v), being a sign in the class 3(e) (veranda, balcony, canopy and underawning signs) may be displayed within 50 metres of the boundary of a freeway if the main building housing an enterprise is within 50 metres from the road reserve of a freeway and if there is no other appropriate means of indicating that particular enterprise;

- (vii) a sign contemplated in section 7(1)(b)(iv)(aa), being a sign in the class 2(d)(i) (estate agents' boards) may be displayed in a road reserve other than a freeway, subject to specific controls; and
- (viii) a sign contemplated in section 7(1)(a), being a sign in class 1 (billboards and other high-impact free-standing signs), a sign contemplated in section 7(1)(c)(vi), being a sign in class 3(f) (signs painted on walls and roofs), a sign contemplated in section 7(1)(c)(vii), being a sign in class 3(g) (window signs), a sign contemplated in section 7(1)(c)(ix), being a sign in the class 3(i) (signs on forecourts of business premises), and a sign contemplated in section 7(1)(c)(xi), being a sign in the class 3(k) (on-premises business signs) may not be displayed in any urban road reserve;
- (d) may not be displayed within the specified distances of on-ramps and off-ramps and overhead traffic signs on freeways as illustrated in figure 1 in schedule 37, except where an enterprise is situated within such a prohibited area and it is not possible to indicate that particular enterprise by means of an appropriate sign outside the prohibited area; and
- (e) may not be displayed within a restricted area at an urban street corner as illustrated in figure 2 in schedule 37, with the exception of a sign contemplated in section 7(1)(b)(iv)(ee), being a sign in the class 2(d)(v) (temporary window signs), a sign contemplated in section 7(1)(c)(v), being a sign in the class 2(e) (street name advertisement signs), a sign contemplated in section 7(1)(c)(iii), being a sign in the class 3(c) (flat signs), a sign contemplated in section 7(1)(c)(iv), being a sign in the class 3(d) (projecting signs), a sign contemplated in section 7(1)(c)(v), being a sign in the class 3(e) (veranda, balcony, canopy and underawning signs), a sign contemplated in section 7(1)(c)(vii), being a sign in the class 3(g) (window signs), and a sign contemplated in section 7(1)(c)(viii), being a sign in the class 3(h) (signs incorporated in fabric of building), and provided furthermore that an illuminated sign displayed within a restricted area at a signalised street corner as illustrated in figure 3 in schedule 37 must have a clear height of at least six metres if such sign contains the colours red, green or amber.
- (2) No advertising signage may be affixed to a lamp post, except a sign contemplated in section 7(1)(b)(iv)(bb), being a sign in the class 2(d)(ii) (sale of goods, property or livestock signs), a sign contemplated in section 7(1)(c)(iv)(cc), being a sign in the class 2(d)(iii) (pavement posters and notices), and a sign contemplated in section 7(1)(d)(iii), being a sign in the class 4(c) (tourism signs).

22. Illumination of sign and electronic sign

- (1) The following maximum luminance levels per square meter are applicable to a sign, except for the daylight illumination of a Super Billboard:
 - (a) In the instance where the illuminated area is less than 0,5 square metre, the maximum luminance level is 1000 candela per square metre;
 - (b) in the instance where the illuminated area is between 0,5 square metre and 2 square metres, the maximum luminance level is 800 candela per square metre;
 - (c) in the instance where the illuminated area is between 2 square metres and 10 square metres, the maximum luminance level is 600 candela per square metre; and
 - (d) in the instance where the illuminated area is 10 square metres or more, the maximum luminance level is 400 candela per square metre.
- (2) The light source emanating from a floodlight may not be visible to traffic traveling in either direction.
- (3) Floodlighting must be positioned to ensure effective distribution and minimise light wastage or 'spill'.
- (4) The municipality may require traffic monitoring of any internally illuminated sign.
- (5) An electronic sign containing third-party advertising -
 - (a) may only be displayed in an area of partial and minimum control;
 - (b) must be less than 2,1m², which size may be waived up to a maximum size of 4,5m² in any such area upon receipt of an Environmental and Heritage Impact Assessment showing that no detrimental impact will be caused by the proposed display; and
 - (c) may not have subliminal flashes.

- (6) In respect of urban freeways, irrespective of the area of control, the undermentioned signs may not be illuminated in any way unless overhead lighting lights the freeway over the full distance within which the advertising sign is visible from the freeway:
- (a) A super billboard;
 - (b) a custom-made billboard;
 - (c) a large billboard;
 - (d) a small billboard;
 - (e) a tower structure;
 - (f) a suburban advertisement;
 - (g) a temporary advertisement;
 - (h) a product replica;
 - (i) a three-dimensional sign;
 - (j) a flat sign;
 - (k) a roof sign;
 - (l) a sign painted on a wall or roof;
 - (m) a sign incorporated in the fabric of a building;
 - (n) a sign on a tower, bridge or pylon;
 - (o) an advertisement on a construction site boundary wall and fence; and
 - (p) an aerial sign.
- (7) The municipality may require a Traffic Impact Assessment to be conducted on any electronic sign, the results of which must indicate that no detrimental impact on traffic is envisaged, and the municipality may require subsequent traffic monitoring of any electronic sign.

CHAPTER 6 MISCELLANEOUS PROVISIONS

23. Public tenders

- (1) The municipality must comply with its Supply Chain Management policy, the Municipal Finance Management Act, (Act No. 56 of 2003) and the provisions of the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000) and the Regulations to the Act, in the awarding of tenders relating to the erection or display of advertisements or advertising space, products or any other messages on Municipal land.
- (2) The successful tenderer, known as the contractor is responsible for the display of an advertising sign in terms of the provisions of these By-laws and in terms of conditions agreed on in his or her contract with the municipality.
- (3) Should a contractor fail to comply with the provisions of subsection (2) or with the contract conditions, the municipality must serve a final notice on the contractor to rectify compliance with the provisions or contract conditions, and should the contractor not comply within two months after final notice has been served –
- (a) the municipality has the right to relieve the contractor of his or her contract after which –

- (i) the contractor has no right to a sign already displayed; and
- (ii) the municipality may deal with the sign in accordance with sections 25(4), (6), (7), (8), (9) and (10); and
- (b) the municipality may re-advertise the relevant contract for public competition in terms of the municipality's Supply Chain Management policy, and subject to the provisions of the Municipal Finance Management Act, (Act No. 56 of

2003) and the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000) and the Regulations to the Act.

- (4) The municipality may refuse permission for an application to display or erect a sign in terms of these by-laws if the specific class of signs was the subject of an agreement in which the municipality awarded the sole right to display certain signs to a contract party.

24. Authentication and service of notices and other documents

- (1) A notice or other document requiring authentication by the municipality must be signed by the municipal manager or by a duly authorised officer of the municipality, and when issued by the municipality in terms of these By-laws is deemed to be duly issued if it is signed by an officer authorised by the municipality.
- (2) Any notice or other document that is served on a person in terms of these By-laws is regarded as having been served –
 - (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgment of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates;
 - (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of such body corporate; or
 - (g) when it has been delivered, at the request of that person, to his or her e-mail address.
- (3) Service of a copy is deemed to be service of the original.
- (4) When any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.
- (5) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

25. Notice of compliance, removal, confiscation, destruction of signs, and related matters

- (1) Where the display of a sign does not comply with section 18, 19, 20, 21 or 22, the person who displays the sign must alter the sign so that it complies with section 18, 19, 20, 21 or 22, and where –
 - (a) there is a change in ownership or occupancy of premises on which the sign is displayed;
 - (b) there is a change in the nature of the business, industry, trade or profession which is conducted on the premises;

- (c) traffic signal lights are erected in a place where previously there had been no traffic signal lights, but where there is currently being displayed a sign; or
- (d) there is an alteration in the level or position of a street, footway or kerb;

the person who displays a sign must immediately remove the sign.

- (2) The municipality may serve a notice of compliance on the owner of a sign to remove a sign within a specified time, or to carry out, within a specified time, such alteration to it or to do such work as may be specified in the notice or cover or cause the sign to be covered completely so as to conceal its contents, if the sign which is displayed is unauthorised, or does not conform to a provision of section 18, 19, 20, 21 or 22, or does not comply with a condition imposed in the Schedule that relates to the sign.
- (3) The notice of compliance must –
 - (a) specify, at the time when the notice is issued, the name and residential or postal address, if either or both of these be known, of the person on whom the notice is served;
 - (b) state the particulars of the contravention;
 - (c) where applicable, specify the time within which a sign is to be removed, or an alteration is to be carried out, or such work as specified is to be done or such sign is to be covered;
 - (d) subject to section 26, specify the fine payable as penalty in respect of that contravention and the place where the fine may be paid; and
 - (e) inform the person on whom the notice was served that he or she may, within 28 calendar days of the date of service of the notice –
 - (i) pay the fine; or
 - (ii) inform the municipality in writing that he or she elects to be tried in court on a charge of having committed an offence under section 26(1)(c).
- (4) If a person fails to comply with a notice served by the municipality on him or her, the municipality may enter upon the land upon which the sign to which the notice relates, is being displayed and remove, confiscate, and destroy the sign.
- (5) The municipality may, without prior notice remove, confiscate, and destroy any sign if the sign constitutes a danger to life or property, or is objectionable, or if one or more of the provisions of these By-laws is contravened.
- (6) The municipality, when it removes and confiscates or destroys the sign, is not required to compensate a person in respect of the sign in any way for loss or damage which results from its action.
- (7) Costs that are incurred by the municipality when it removes, confiscates or destroys a sign, rehabilitates land or does alterations or other works may be recovered from the person on whom the notice was served, or if a deposit has been paid in respect of the sign the costs may be deducted from the deposit, unless the person to whom a notice was given proves –
 - that he or she did not, at the time when he or she received the notice, nor at any time thereafter, display the sign; or
 - (b) that he or she did not take any active part in displaying the sign and did not grant any person permission to display it and did not receive any valuable consideration in connection with the displaying of the sign, and that he or she does not manufacture an article, or own, control or manage a business or undertaking to which the sign relates.
- (8) The penalty costs when the municipality removes a sign are determined by the Council from time to time by way of resolution.
- (9) Should the municipality decide not to destroy a sign, the original owner may repurchase a sign, which has been removed and confiscated. The repurchasing prices are according to the tariff determined by the Council from time to time.
- (10) The municipality may dispose of a sign which is not repurchased within two weeks.

26. Offences

(1) A person commits an offence if he or she –

(a) fails to comply with –

(i) any requirement which is set out in a notice of compliance in terms of section 25(2) that was served on him or her;

a condition that was imposed on him or her;

any requirement set out in a notice in terms of sections 8(4)b), 9(4) or 11(2);

(b) knowingly makes a false statement to a municipal officer, or in respect of an application;

(c) displays a sign that does not comply with any one or more of the provisions of sections 18, 19, 20, 21 or 22 or conditions imposed in the Schedule that relates to the sign;

(d) displays an unauthorised sign; or

(e) displays a sign in contravention of sections 8(4)(a), 10(8), 16(1) to (4) or (6) or 17, 22(1).

(2)

Upon conviction of a first offence, the person is liable to a fine, and should the person does not pay the fine, he or she may be imprisoned for a period not exceeding two months.

(3) Upon conviction of a second or subsequent offence, the person is liable to a fine.

(4) Upon conviction of a continuing offence the person is liable to a fine for every day during which the offence continued.

(5) Upon conviction for the display of an unauthorised sign, the person is liable to a fine per sign displayed.

27. Right of appeal

(1) A person who is of the opinion that his or her rights are affected by a decision of a municipal officer may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.

(2) The municipal manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).

(3) The appeal authority must consider the appeal and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

(4) When the appeal is against a decision taken by –

(a) a municipal officer other than the municipal manager, the municipal manager is the appeal authority;

(b) the municipal manager, the Executive Committee is the appeal authority; or

(c) a political structure or political office bearer or a councillor, a committee of councillors who were not involved in the decision and who were appointed by the municipality for this purpose is the appeal authority.

(5) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.

(6) The lodging of an appeal in terms of subsection (1) does not confer a right on a person to display a sign in contravention of these by-laws or in contravention of a notice given in terms of these by-laws to have it removed, pending the finalization of the appeal.

28. Transitional provision

- (1) The person who displays a sign must, within three months after the commencement of these By-laws, ensure that the sign complies in all respects with the provisions of these By-laws, and the municipality reserves the right to remove the sign immediately if the sign does not comply with these provisions after three months.
- (2) The person who displays a sign, the display of which is prohibited in terms of section 17, must remove the sign within seven days after the commencement of these By-laws.
- (3) The person who displays a sign on a litter bin must, despite subsection (1), ensure that the display of the bin complies in all respects with these By-laws, specifically those provisions and conditions contained in item 8 of Schedule 5, and the municipality reserves the right to remove the bin within seven days after the commencement of these By-laws if the display does not comply with the stipulated provisions and conditions.
- (4) A person who had obtained permission for the display of a sign or advertisement prior to the declaration as contemplated in section 5(4), shall be notified of such declaration by the municipality in writing and must remove such sign within the period stipulated in the notice, which period may be not less than 21 days.

29. Impact Assessments

- (1) Environmental Impact Assessments as determined in terms of the National Environmental Management Act, 1998 (Act 107 of 1998), must be conducted for all advertisements contemplated in section 7(1)(a)(i), being a sign in the class 1(a) (super billboards), section 7(1)(a)(ii), being a sign in the class 1(b) (custom-made billboards), section 7(1)(a)(iii), being a sign in the class 1(c) (large billboards), section 7(1)(c)(i), being a sign in the class 3(a) (sky signs), section 7(1)(c)(ii), being a sign in the class 3(b) (roof signs), and section 7(1)(c)(xii), being a sign in the class 3(l) (signs on towers, bridges and pylons).
- (2) The consultation processes of assessments required in terms of subsection (1) may be determined by the Council by resolution from time to time.
- (3) Besides classes of advertisements for which Traffic Impact studies is required in terms of these by-laws and Schedules, the municipality may require a traffic impact study for any other class of advertisements if such advertisement might have a detrimental impact on traffic.

30. Saving provisions

Nothing which is contained in these By-laws is to be construed as to affect in any way rights that belong to, or duties which are imposed on the municipality as the body in whom ownership is lawfully vested of or who has control over any street or other place or thing within its area of jurisdiction.

31. Waiver

- (1) The municipality may, upon the written request by a person, which request is to be directed to the municipal manager, and after consideration of the merits of the request, waive compliance with or relax the provisions of any one or more of the provisions of these By-laws.
- (2) The municipality must serve a written notice of waiver, which is signed by the municipal manager upon the person concerned. The notice must cite –
 - (a) the provision that is waived or relaxed; and
 - (b) the extent to which it has been waived.
- (3) The municipality must keep a record which contains a copy of the notice. The public may, at all reasonable hours, inspect this record at the offices of the municipality.

32. Presumptions

Any person charged with a contravention in terms of these by-laws, who is -

- (a) alone or jointly with any other person , responsible for organizing or in control of any meeting, function or event, to which a sign or advertisement relates, shall be deemed, until the contrary is proved, to have knowingly displayed every unlawful sign or advertisement in connection with such meeting, function or event or to have caused or allowed it to be so displayed;
- (b) the person whose name appears on an unlawful sign or whose product or services are advertised on such sign shall be deemed, until the contrary is proved, to have displayed such sign , or to have caused or allowed it to be displayed;
- (c) the owner of any land or building on which any unlawful sign was or is displayed , shall be deemed , until the contrary is proved, to have knowingly displayed such sign or caused or allowed it to be so displayed; and
- (d) the owner of a sign or the person who erected, constructed or displayed the sign which is unlawfully displayed in terms of these by-laws, shall be deemed , until the contrary is proved, to have knowingly erected, constructed or displayed such sign.

33. Repeal

- (1) The following Regulations are hereby repealed:
 - (a) The Display of Advertisements Regulations of the former Bloemfontein Transitional Local Municipality, as promulgated by Local Government Notice No 363 of 11 March 1994 as amended;
 - (b) the Display of Advertisements Regulations of the former Bainsvlei Municipality, as promulgated by Local Government Notice No. 34 of 1979; and
 - (c) the Display of Advertisements Regulations of the former Bloemspuit Municipality, as promulgated by Local Government Notice No. 76 of 1990;
- (2) Anything done under or in terms of any provision repealed by subsection (1) is deemed to have been done under the corresponding provisions of these By-laws and such repeal does not affect the validity of anything done under the By-laws so repealed, so far as they are not inconsistent with the provisions of these By-laws.
- (3) Any application lodged in terms of the By-laws repealed in terms of subsection (1) and pending before the municipality at the commencement of these By-laws, must be dealt with in terms of these By-laws.

34. Short title and commencement

These By-laws are called the Mangaung Outdoor Advertisement By-laws, and commence on the date of publication thereof in the Provincial Gazette.

SCHEDULE 1
Super billboards (Class 1(a))
(Section 7(1)(a)(i))

1. A sign may be displayed in an urban area of minimum control only.
2. Display of a sign is subject to specific consent.
3. A sign may be displayed only after an environmental impact assessment, which includes visual, social and traffic safety aspects, has been undertaken and has been submitted by the applicant to the municipality and which has been approved by the municipality.
4. A sign may not exceed a maximum size of 80 square metres and a maximum height of 25 metres.
5. The height limitation of super billboards is measured from the normal ground level to the top of the advertising sign, including the height of the supporting structure below the sign.
6. A sign must be displayed perpendicular to the direction of oncoming traffic.
7. A minimum distance of 5 kilometres between signs displayed on the same side of the road must be maintained.
8. (a) No sign may be erected within a radius of 200 metres from the centre of an intersection on an arterial road, or within a radius of 100 metres from the centre of an intersection on any lower order road in such a manner as to be oriented towards such an intersection.
(b) The distances represented in Figure 1, Schedule 36 must be increased by 25 percent.
9. Subject to the provisions of section 18, 19(4), 21(e) and 22, illumination and animation of a sign is allowed.
10. A sign must be placed on a base, which has been designed and erected in accordance with conditions which the municipality may impose in terms of section 10(4).
11. The municipality may approve for the display of a sign for a period ranging from one to five years, but may not grant approval for an indefinite period.
12. The municipality may approve the display of one sign only per 250000 residents in the Mangaung municipality.
13. Road safety principles will be taken into consideration when determining letter sizes and the length of messages.
14. Signs in this class may not be located within any road reserve.

SCHEDULE 2
Custom-made billboards (Class 1(b))
(Section 7(1)(a)(ii))

1. A sign may be displayed in an urban area of minimum control only.
2. Display of a sign is subject to specific consent.
3. A sign may be displayed only after an environmental impact assessment, which includes visual, social and traffic safety aspects, has been undertaken and has been submitted by the applicant to the municipality and which has been approved by the municipality.
4. A sign may not exceed a maximum size of 36 square metres and a maximum height of 7,5 metres, measured from the ground level to the top of the sign or the structure housing the sign, except as otherwise approved by the municipality in terms of section 10(4).
5. The clear height of the advertising structure may not be less than 2,4 metres, measured from the normal ground level to the bottom edge of the advertising sign, including the height of the supporting structure below the sign.

SCHEDULE 1
Super billboards (Class 1(a))
(Section 7(1)(a)(i))

1. A sign may be displayed in an urban area of minimum control only.
2. Display of a sign is subject to specific consent.
3. A sign may be displayed only after an environmental impact assessment, which includes visual, social and traffic safety aspects, has been undertaken and has been submitted by the applicant to the municipality and which has been approved by the municipality.
4. A sign may not exceed a maximum size of 80 square metres and a maximum height of 25 metres.
5. The height limitation of super billboards is measured from the normal ground level to the top of the advertising sign, including the height of the supporting structure below the sign.
6. A sign must be displayed perpendicular to the direction of oncoming traffic.
7. A minimum distance of 5 kilometres between signs displayed on the same side of the road must be maintained.
8. (a) No sign may be erected within a radius of 200 metres from the centre of an intersection on an arterial road, or within a radius of 100 metres from the centre of an intersection on any lower order road in such a manner as to be oriented towards such an intersection.
 (b) The distances represented in Figure 1, Schedule 36 must be increased by 25 percent.
9. Subject to the provisions of section 18, 19(4), 21(e) and 22, illumination and animation of a sign is allowed.
10. A sign must be placed on a base, which has been designed and erected in accordance with conditions which the municipality may impose in terms of section 10(4).
11. The municipality may approve for the display of a sign for a period ranging from one to five years, but may not grant approval for an indefinite period.
12. The municipality may approve the display of one sign only per 250000 residents in the Mangaung municipality.
13. Road safety principles will be taken into consideration when determining letter sizes and the length of messages.
14. Signs in this class may not be located within any road reserve.

SCHEDULE 2
Custom-made billboards (Class 1(b))
(Section 7(1)(a)(ii))

1. A sign may be displayed in an urban area of minimum control only.
2. Display of a sign is subject to specific consent.
3. A sign may be displayed only after an environmental impact assessment, which includes visual, social and traffic safety aspects, has been undertaken and has been submitted by the applicant to the municipality and which has been approved by the municipality.
4. A sign may not exceed a maximum size of 36 square metres and a maximum height of 7,5 metres, measured from the ground level to the top of the sign or the structure housing the sign, except as otherwise approved by the municipality in terms of section 10(4).
5. The clear height of the advertising structure may not be less than 2,4 metres, measured from the normal ground level to the bottom edge of the advertising sign, including the height of the supporting structure below the sign.

6. The provisions of sections 21(1)(a)–(c), and the following conditions apply to the position of a sign:
- (a) No more than one sign may be displayed on a site;
 - (b) a sign consisting of a single board must be displayed perpendicular to or at an angle of up to 30 degrees to the direction of oncoming traffic;
 - (c) where two boards are joined together, the sign must be displayed with the axis of symmetry perpendicular to the direction of oncoming traffic;
 - (d) a maximum of two signs may be displayed in the vicinity of a road intersection;
 - (e) the display of a billboard is not permitted within a radius of 100 metres from the centre of an intersection on an arterial road and within a radius of 50 metres from the centre of an intersection on any lower-order road; and
 - (f) spectacles displayed along roads must be spaced at the following minimum distances:
 - (i) on a road with a speed limit of 81 kilometres per hour and higher, there must be a minimum distance of 250 metres between signs;
 - (ii) on a road with a speed limit between 61 kilometres per hour and 80 kilometres per hour, there must be a minimum distance of 200 metres between signs; and
 - (iii) on a road with a speed limit below 60 kilometres per hour, when the signs are in view of each other and on the same side of the road, there must be a minimum distance of 120 metres between signs.
7. A sign displayed in the vicinity of a signalised intersection may not contain the colours red, amber or green if such colours will constitute a road safety hazard.
8. The provisions of sections 18, 19(4), 21(e), 22, and the following conditions apply to the illumination and animation of a sign:
- (a) Internal and external illumination is allowed;
 - (b) the following maximum luminance levels are prescribed by the municipality:
 - (i) if the illuminated area is 0,5 square metre in size or smaller a maximum level of 1000 candela per square metre;
 - (ii) if the illuminated area is between 0,5 square metre and two square metres in size a maximum level of 800 candela per square metre;
 - (iii) if the illuminated area is between 2 square metres and 10 square metres in size a maximum level of 600 candela per square metre; and
 - (iv) if the illuminated area is larger than 10 square metres in size a maximum level of 400 candela per square metre;
 - (c) the light source emanating from floodlights may not be visible to traffic travelling in either direction;
 - (d) floodlighting must be positioned to ensure effective distribution of light and minimize light wastage or 'spill'; and
 - (e) no animation is allowed.
9. A sign must be placed on a base, which has been designed and erected in accordance with conditions which the municipality may impose in terms of section 10(4).
- (10) The municipality may grant approval for the display of a sign for a period ranging from one to five years, but may not grant approval for an indefinite period.
- (11) Signs in this class may not be located within any road reserve.

SCHEDULE 3
Large billboards (Class 1(c))
(Section 7(1)(a)(iii))

1. A sign may be displayed in an urban area of minimum control only.
2. Display of a sign is subject to specific consent.
3. A sign may be displayed only after an environmental impact assessment, which includes visual, social and traffic safety aspects, has been undertaken and has been submitted by the applicant to the municipality and which has been approved by the municipality.
4. No sign may exceed a maximum size of 36 square metres and a maximum height of 7,5 metres, measured from the normal ground level to the top of the advertising sign, including the height of the supporting structure below the sign..
5. The clear height of the advertising structure may not be less than 2,4 metres.
6. The provisions of section 22(1)(a) – 22(1)(d), and the following conditions apply to the position of a sign:
 - (a) No more than one sign may be displayed per site;
 - (b) an advertisement consisting of a single board must be displayed perpendicular to or at an angle of up to 30 degrees to the direction of oncoming traffic;
 - (c) where two billboards are joined together, the sign must be displayed with the axis of symmetry perpendicular with the direction of oncoming traffic;
 - (d) billboards displayed along roads must be spaced at the following distances:
 - (i) on a road with a speed limit of 81 kilometres per hour and higher the distance between signs may not be less than 250 metres;
 - (ii) on a road with a speed limit between 61 kilometres per hour and 80 kilometres per hour the distance between signs may not be less than 200 metres; and
 - (iii) on a road with a speed limit below 60 kilometres per hour, when the signs are in view of each other and on the same side of the road, the distance between signs may not be less than 120 metres;
 - (e) a maximum of two billboards may be displayed in the vicinity of a road intersection; and
 - (f) no billboard may be displayed within a radius of 100 metres from the centre of an intersection on an arterial road and within 50 metres from the centre of an intersection on any lower-order road.
7. A sign displayed in the vicinity of a signalised intersection may not contain the colours red, amber or green if such colours will constitute a road safety hazard.
8. A sign may be paper-posted, any may also be sign written, posted with vinyl or a combination of all three.
9. The provisions of section 18, 19(4), 21(e), 22, and the following conditions apply to the illumination and animation of a sign:
 - (a) Internal and external illumination is allowed;
 - (b) the following maximum luminance levels are prescribed by the municipality:
 - (i) if the illuminated area is 0,5 square metre in size or smaller a maximum level of 1000 candela per square metre;
 - (ii) if the illuminated area is between 0,5 square metre and 2 square metres in size a maximum level of 800 candela per square metre;
 - (iii) if the illuminated area is between 2 square metres and 10 square metres in size a maximum level of 600 candela per square metre; and

- (iv) if the illuminated area is larger than 10 square metres in size a maximum level of 400 candela per square metre;
 - (c) the light source emanating from floodlights may not be visible to traffic travelling in either direction; and
 - (d) floodlighting must be positioned to ensure effective distribution and minimize light wastage or 'spill', and external illumination may not constitute a road safety hazard or cause undue disturbance.
10. No animation of a sign is allowed.
 11. A sign must be placed on a base, which has been designed and erected in accordance with conditions which the municipality may impose in terms of section 10(4).
 12. The municipality may grant approval for the display of a sign for a period ranging from one to five years, but may not grant approval for an indefinite period.
 13. Signs in this class may not be located within any road reserve.

SCHEDULE 4
Small billboards and tower structures (Class 1 (d))
(Section 7(1)(a)(iv))

1. A sign may be displayed in an urban area of partial control and an urban area of minimum control only.
2. Display of a sign in an urban area of minimum control is subject to deemed consent.
3. Display of a sign in an urban area of partial control is subject to specific consent, but if the sign forms part of the parking layout of a business centre and is not visible from a passing road, the display is subject to deemed consent.
4. A sign may be displayed only after an environmental impact assessment, which includes visual, social and traffic safety aspects, has been undertaken and submitted by the applicant to the municipality and has been approved by the municipality.
5. When a sign is displayed on a sport's field –
 - (a) the sign may not face any residential building; and
 - (b) only one 6 square metres sign may be displayed per street frontage.
6. A billboard may not exceed a maximum size of 6 square metres, and a maximum height of 3,5 metres.
7. A billboard must have a clear height of not less than 1,5 metre.
8. A panel or board on a tower structure may not exceed a maximum size of 4,5 square metres.
9. The clear height of a tower structure may not be less than 2,4 metres, and the maximum height of such a structure may not be more than 5 metres.
10. Subject to section 21(1)(c)(viii), a sign must be internally oriented and may not be aimed at a road user outside the shopping centre or transport node.
11. The illumination and animation of a sign is permitted, except in residential areas, and is subject to the provisions of sections 18(1), 19(4), 21(1)(e), 22, and the additional provision that such illumination or animation does not constitute a road safety hazard or cause undue disturbance.
12. A tower structure provided in a larger pedestrian area may be used only as a focal point, and must be of a high visual standard and must harmonise with the surrounding buildings and streetscape.
13. A sign must be placed on a base, which has been designed and erected in accordance with conditions which the municipality may impose in terms of section 10(4).

14. The municipality may grant approval for the display of a sign for a period ranging from one to five years, but may not grant approval for an indefinite period.
15. A sign may be used to display only general and non-locality-bound advertisements of products, activities and services in parking areas of shopping centres and at important transport nodes such as railway stations, bus stations and airports, and may not identify or identify the location of specific enterprises at such centres or nodes.
16. Signs in this class may not be located within any road reserve

SCHEDULE 5
Large posters and signs on street furniture (Class 2(a))
(Section 7(1)(b)(i))

1. A sign may be displayed in an urban area of maximum control, an urban area of partial control, and an urban area of minimum control only.
2. Display of a sign in an urban area of maximum control and an urban area of partial control is subject to specific consent.
3. Display of a sign in an urban area of minimum control is subject to deemed consent.
4.
 - (a) Large posters erected inside formal road reserves or inside right of way servitudes registered in favour of the general public may only display community based information and may not advertise products or services.
 - (b) The name of a sponsoring company may be added, but may not exceed 20% of the poster area.
5.
 - (a) Only the Municipality may erect street furniture primarily with the aim to advertise, and such furniture will only be used to –
 - (i) advertise special projects by the authorities;
 - (ii) give guidance to tourists;
 - (iii) form part of special streetscaping projects; or
 - (iv) advertise council identified initiatives and programmes.
 - (b) Formal advertising of products, companies or services are not allowed.
6. Advertising signs may not be attached to street furniture where it may obstruct sight distance from a nearby intersection or from a motor car driveway.
7. Except for litter bins, advertisements in this class which is erected within a road reserve, may not be located closer than 120m to formal road traffic signage displayed in terms of the Road Traffic Act, No 93 of 1996.
8. The following specifications are applicable to litterbins inside road reserves, on municipal property and on other public open spaces:
 - (a) Litterbins may only be placed on a suitably prepared concrete or paved footing and must be adequately secured to prevent it from being blown over by winds with speed of up to 30km/s.
 - (b) Litterbins may not be placed on traffic islands.
 - (c) Each new litterbin site must be approved individually by the Municipality, and applications must include the following:
 - (i) Sufficient information to enable officials to determine the position of the requested new site within 1m accuracy;
 - (ii) adequate details of the nature of the proposed footing and moorings;
 - (iii) pedestrian counts to demonstrate the need for the approval of the site; and
 - (iv) the presence of other litterbins along the same route that serve the same pedestrians.

- (d) On approval of a new litterbin site as contemplated in subitem (c), the applicant must construct the new footing at the position and according to the details approved by the Municipality.
 - (e) Approval of the site does not grant the applicant an indefinite right to advertise on the particular site.
 - (f) Advertising periods are as determined by the Municipality from time to time, and the applicant must ensure that he or she ascertains such periods from the Municipality.
 - (g) Litterbins may not be located closer than 1 meter from the edge of a public road.
 - (h) Only litterbins with a vertical height of 900mm or less may be located closer than 50m to a traffic intersection or a high volume vehicle access.
 - (i) An advertisement on a litter bin should be aimed at pedestrians and not motorists.
9. A poster sign and an advertisement on street furniture may not exceed 2,2 square metres in area, provided that where a poster sign is double sided and faces in more than one direction, the total area may not exceed 4,4 square metres.
10. A poster structure and street furniture carrying an advertisement may not exceed a maximum height of 3 metres.
11. The provisions of sections 18, 19(4), 21(1)(a) – 21(1)(c), 21(1)(e), and the following conditions apply to the position of a sign:
- (a) An advertising sign on street furniture may be displayed within an urban road reserve other than a freeway;
 - (b) a sign in this class may not be closer than 300 millimetres to the vertical line of the edge of a cycle path or footpath;
 - (c) street furniture may not be used or positioned for the primary or sole purpose of advertising;
 - (d) street furniture may not be placed in such a way as to obstruct any pedestrian movement; and
 - (e) signs in this class may not be less than 120 meters apart.
12. A sign displayed in the vicinity of signalised intersections may not contain the colours red, amber or green if such colours will constitute a road safety hazard.
13. Subject to the provisions of section 18, 19(4), 21(e) and 22, illumination and animation of a sign is allowed in an urban area of partial control and an urban area of minimum control.
14. Display of a standardized pole-mounted poster is allowed only if it does not have a negative visual impact on the character of an area.
15. Creative and visually pleasant structures may be used for displaying large posters in road reserves in order to make a positive contribution to streetscaping.
16. Street furniture and advertising furniture higher than 3 metres may be used only as focal points.
17. The clear height of a poster may not be less than 2,4 meters.
18. Large posters may not be used for the primary purpose of directing or guiding travellers to an enterprise or facility.

SCHEDULE 6
Banners, flags and inflatables (Class 2(b))
(Section 7(1)(b)(ii))

1. A banner, flag or inflatable may not be displayed in a rural area of maximum control and an inflatable may not be displayed in an urban area of maximum control.
2. Display of a banner or flag in an urban area of maximum control and display of a banner, flag or inflatable in an urban area of partial control is subject to specific consent.
3. Display of a banner or flag in an urban area of minimum control is subject to deemed consent, whilst display of an inflatable requires specific consent.
4. Display of a banner, flag or inflatable, for the purpose of streetscaping, in an urban area of minimum control is subject to specific consent.
5. Subject to item 21, the display of a national flag of any country is excluded from conditions stipulated in this Schedule, and such flag may be displayed in all areas of control.
6. A maximum of two banners, flags or teardrop flags may be displayed per event, enterprise or function in an urban area of maximum control.
7. A maximum of four banners, flags or teardrop flags or only one inflatable may be displayed per event, enterprise or function in an urban area of partial control and an urban area of minimum control.
8. A maximum of ten banners, flags or teardrop flags and one inflatable may be displayed per shopping centre of which the floor area, excluding the parking area, is 2000 square metres or larger.
9. A banner or flag displayed in an urban area of maximum control may not be larger than 5 square metres, and a banner or flag displayed in an urban area of partial control and an urban area of minimum control may not be larger than 6 square metres, while the total sign area per event, function or enterprise may not exceed 7 square metres in an urban area of maximum control and 12 square metres in an urban area of partial control and an urban area of minimum control.
10. A teardrop flag may not be larger than 2,2 square meters.
11. The following restrictions apply with regards to the size of inflatables, where D represents the distance in meters of the sign from the nearest road reserve boundary and H represents the height :

In areas of partial control: The maximum allowable height can be calculated with the following formulae: $H = 1.5 + D * 0.15$, to a maximum height of 7.5m. The horizontal circumference may not exceed 6.5m and the maximum projected area of any side may not exceed 8m²

In areas of minimum control: The maximum allowable height can be calculated with the following formulae: $H = 2 + D * 0.15$, to a maximum height of 10m. The horizontal circumference may not exceed 8.5m and the maximum projected area of any side may not exceed 11m²

The height restriction specified for inflatables is the distance from the ground level to the top of the sign, irrespective of whether the sign is located on the ground or will be elevated on a structure.

An inflatable in excess of 3m in height may not be located closer than 100m to an intersection along an arterial road, or closer than 50m to other traffic intersections.

Signs closer than 30 to a road reserve boundary shall be spaced at the following minimum distances when in view of one another and on the same side of the road:

| SPEED LIMIT | SPACING |
|--------------------|---------|
| Faster than 80km/h | 250m |
| 60—80km/h | 200m |
| | |
| Less than 60 km/h | 120m |

12. A character or symbol on a flag, banner or teardrop flag may not be more than 0,75 metre in height.
13. The provisions of section 21(1)(a) and (b), 21(1)(c)(iv) and (v), and the following conditions apply to the position of a banner or flag:
 - (a) A banner or flag must be attached to or suspended between poles or other supports on the site, or against the building where the function or event is to be held or where the enterprise is located or on such other site as the municipality may permit;
 - (b) a banner or flag may be displayed within all urban road reserves, but may not be displayed on a freeway, and a banner may only be suspended across a road or street as part of an urban streetscaping project;
 - (c) a banner may be attached to a building or to a special streetscaping structure provided for this purpose; and
 - (d) the poles or supports of a flag or banner may not be placed inside a road reserve.
14. No Inflatable may be displayed inside or above a road reserve or placed in a parking area that it takes up any parking space.
15. The colour or texture of a banner that is attached to a building in an urban area of maximum control must blend with such building.
16. No illumination or animation of a banner or a flag is permitted.
17. Display of a banner, flag, teardrop flag or inflatable is subject to the safety requirements as provided for in section 18, and the condition that a banner, flag, teardrop flag or inflatable may not be attached in a manner so as to interfere with or constitute a danger to passing vehicular or pedestrian traffic.
18. A banner, flag or teardrop flag used for streetscaping must form a harmonious and well-designed part of the total streetscape.
19. A flag must be attached to a single flag-staff projecting vertically from a premises or projecting vertically, horizontally or at an angle from a building.
20. No banner, flag, teardrop flag or inflatable may be displayed for more than two weeks before the date of the function or event advertised, and no such banner or flag is permitted to remain in position for more than three days after the conclusion of such function or event.
21. A banner, flag, teardrop flag or inflatable may not be used for purposes other than:
 - (a) Advertising functions and events conducted for religious, educational, social welfare, animal welfare, sporting, civic or cultural purposes, or functions or events relating to municipal, provincial or parliamentary elections or referenda;
 - (b) displaying the name, corporate symbol and nature of enterprises; or
 - (c) streetscaping urban areas such as pedestrian malls and gateways.

22. Only a locality-bound banner or flag may be used for advertising a function, event and enterprise, except when incorporated in a streetscaping project.
23. A banner, flag, teardrop flag or inflatable may not be used for advertising a sales promotion, private company, or a commercial product or event.
24. A national flag may not carry on the flag or flag-staff any advertisement or subject matter additional to the design of the flag.

SCHEDULE 7
Suburban signs (Class 2(c))
(Section 7(1) (b)(iii))

1. A sign may be displayed in an urban area of maximum control, an urban area of partial control and an urban area of minimum control only.
2. Display of a sign is subject to specific consent.
3. A suburb name sign may not be displayed on a freeway.
4. The sign must be rectangular and 0,4 metre in height and of equal length to the suburb name sign.
5. The sign must be smaller and less conspicuous than the suburb name sign.
6. The provisions of section 21(1)(a), (d), (e), and the following conditions apply to the position of a sign:
 - (a) A sign may be displayed within the road reserves of a proclaimed main road, but may not be displayed on a freeway; and
 - (b) a suburb name sign positioned on a road island, median or within the restricted area as indicated in figure 2, Schedule 36 may not be used to carry a suburban advertisement.
7. No colours that may cause confusion with road traffic signs may be used.
8. The background of the advertising sign may not be retro-reflective or fluorescent.
9. No illumination or animation of a sign is permitted.
10. A suburban advertisement may only be displayed if attached to a GL2 sign in terms of the specifications of the South African Road Traffic Signal Manual.

SCHEDULE 8
Estate agents' boards (Class 2(d)(i))
(Section 7(1)(b)(iv)(aa))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign is subject to deemed consent.
3. The maximum size of a sign is as follows:
 - (a) In a residential area in an area of maximum and partial control, a total area of 0,55 square metre for a single board, or a total area of 0,65 square metre for two joined boards;
 - (b) in an agricultural or commercial area (including centres of economic activity outside urban areas) in an area of maximum and partial control, a total area of 2 square metres for a single board, or 2,3 square metres a total area for two joined boards; and

- (c) in an area of minimum control, a total area of 2,8 square metres for a single board, or a total area of 3,2 square metres for two joined boards.
- 4. Only one sign per estate agent may be displayed per premises.
- 5. A single " Sold" sign may be displayed flush against the fence or wall of the property for a maximum period of two weeks only.
- 6. Not more than two estate agents may display their signs simultaneously on the same premises.
- 7. The sign may be –
 - (a) placed at or fixed to the building concerned only;
 - (b) attached to the boundary fence of the premises concerned only; or
 - (c) displayed within the boundaries of such premises only;
 - (d) fixed to the sidewalk, subject to the provisions of items 8 and 15, hereunder and the by-laws, and shall be anchored in such a way that no part of the sign or anchors will penetrate the ground by more than 100mm.
- 8. No sign may at any point project more than 1,3 metre from the wall of the building or structure to which it is affixed.
- 9. A sign may not be displayed on the centre median of a road or on any traffic island.
- 10. No specific limitations are imposed as to the colour or texture of a sign.
- 11. Illumination or animation of a sign is not permitted.
- 12. Application by each estate agency on an annual basis must be made to the municipality for permission to display estate agent signs and approval is subject to payment of an annual fee in accordance with the municipality's schedule of tariffs and charges as resolved upon by the municipality from time to time.
- 13. A deposit must be paid per agency against which a charge for the removal of any sign which contravenes the by-law, is levied, and in the event of such deposit being exhausted, permission to display such signage shall be withdrawn until a further deposit is paid to the Municipality.
- 14. Any estate agent sign unlawfully erected, or in contravention of the provisions of this Schedule, is subject to a charge by the municipality, calculated in accordance with the published schedule of tariffs and charges irrespective of whether such sign is removed by the Municipality or not.
- 15. Estate agent signs may not be positioned nearer than 2m from the roadway edge and may not pose a threat for possible injury to pedestrians, or obstruct pedestrian movement along a sidewalk.
- 16. Display of a sign is subject to the design and construction requirements as provided for in section 18, 19 and 21.
- 17. A sign may only contain the name, logo, address and telephone number of the selling or letting agent, and the words 'For Sale' , 'To Let' or 'Sold'.
- 18. No flag, balloon or any other object which has as aim the drawing of the attention of a person to the sign, may be displayed.
- 19. A sign may not be used for commercial advertising.

SCHEDULE 9
Sale of goods or livestock signs (Class 2(d)(ii))
(Section 7(1)(b)(iv)(bb))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign is subject to deemed consent.
3. Only one sign per sale may be displayed.
4. The maximum size of a sign is as follows:
 - (a) In an urban area of maximum or partial control, 2 square metres; and
 - (b) in an urban area of minimum control, 2,8 square metres.
5. No part of a sign may be higher than 3 metres above the ground.
6. Subject to the provisions of section 21(1)(e), a sign may be displayed on the premises or property where the advertised sale is to be held, or may be attached to the boundary fence of such property or premises only.
7. No specific limitations are imposed on the colour or texture of a sign.
8. Illumination or animation of this sign type is not permitted.
9. The provisions of section 18(1) and 19(5) apply to the design and construction of a sign.
10. A sign must be removed not later than five days after the auction or sale.
11. A sign may not be used for commercial advertising.

SCHEDULE 10
Pavement posters and notices (Class 2(d)(iii))
(Section 7(1)(b)(iv)(cc))

1. A sign be displayed in an urban area of partial control and an urban area of minimum control only.
2. Display of a sign is subject to specific consent.
3. No person may advertise a commercial product, service, or event by means of a pavement poster or notice, however, commercial sponsorship of events is permissible, except on posters of a political nature.
4. Consent may be granted only to newspaper publishers to advertise the headline stories of the main newspapers subject to the following specifications:
 - (a) 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;
 - (b) the posters electric light poles;
 - (c) only 1 headline poster per pole, regardless of which newspaper group it is, is permitted;
 - (d) a particular newspaper headline may only be displayed once on each approach to an intersection;
 - (e) headline posters and fastenings, where applicable, are to be removed on a daily basis, failing which the posters shall be removed at the newspaper groups' expense, in accordance with the standard charges for removal of posters;

- (f) application must be made on an annual basis by each newspaper group for permission to display such signs, subject to an annual fee per newspaper group/per annum or part thereof; and
 - (g) a deposit per newspaper group must be paid annually against which a charge for the removal of any sign which contravenes the By-Law will be levied, and in the event of the above deposit being exhausted, permission to display such signage is to be withdrawn until a further deposit is submitted to the Municipality.
5. A poster may not exceed 0,55 square metre in size.
6. The lower edge of all formal frames/hoardings must be at least 2.4m above the normal ground level.
7. Only one frame/hoarding is allowed per pole or electric standard.
8. Posters may not be displayed closer than 30m from traffic intersections, measured from the near road reserve boundary.
9. The provisions of section 21(1)(a), 21(1)(e), and the following conditions apply to the position of a sign:
- (a) A poster for a political campaign may be displayed on electric light standards only;
 - (b) a poster may not be displayed on power line standards, road traffic signs and signals, walls, columns and posts of verandas and balconies, electricity boxes, trees or bridges; and
 - (c) a poster may not cover any municipal markings or painted stripes on lamp posts.
10. No specific limitations are imposed on the colour or texture of a sign.
11. Illumination or animation of a sign is not permitted.
12. A poster of a political nature displayed on an electric light standard must be fixed to the standard by means of a suitable cord, and no metal clamps or wire may be used.
13. A poster other than of a political nature must be displayed in a durable frame with a plastic or perspex cover and must be permanently affixed to a lamp post by an adjudicated advertising agency, and the frame must be affixed by means of an easily removable metal clamp to allow municipal officials unrestricted access to lamp posts for maintenance purposes.
14. No steel or aluminium ladders may, in the process of attaching the poster to a standard, be placed against the standard on which the poster is to be erected.
15. The number of posters that may be displayed is as follows:
- (a) Except in the case of posters for local or national government elections, a maximum of 1000 posters are allowable per event;
 - (b) in the case of government elections, only one poster may be displayed per pole per party or candidate, with a maximum of four posters per pole;
 - (c) except in the case of government elections, the same poster may not be displayed on any two consecutive poles; and
 - (d) the number of all other kinds of posters displayed is limited to a maximum of not more than one poster for every third post or standard in one direction.
16. The name of the organisation, the date of the function and the venue must appear on the poster in letters not smaller than 50 millimetres in height, and posters displayed when advertising a specific event which is broadly cultural, of public interest, including entertainment events, exhibitions, and trade fairs, or sporting or religious in nature must have a sticker or marking signifying the approval of the Municipality.

17. A poster advertising a specific event which is broadly cultural, of public interest, including entertainment events, exhibitions, and trade fairs, or sporting or religious in nature, may be displayed only 10 days prior to the event, and must be removed within three days of the passing of the event
18. Posters relating to newspaper publishers to advertise the headline stories of the main newspapers may only be displayed for maximum period of 24 hours.
19. A poster relating to a parliamentary or municipal election or referendum may be displayed from the date of proclamation in the Government Gazette of an upcoming referendum or election to the end of the fourteenth day after the date of the election or referendum, at which date the poster, its backing boards and cord or string must be removed.
20. A sign in this class may not be used for commercial advertising.
21. A poster advertising a specific event which is broadly cultural, of public interest, including entertainment events, exhibitions, and trade fairs, or sporting or religious in nature, may not be displayed unless the prescribed deposit and fees have been paid.

SCHEDULE 11
Project boards (Class 2(d)(iv))
(Section 7(1)(b)(iv)(dd))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign is subject to specific consent in a rural area of maximum control and in an urban area of maximum control.
3. Display of a sign is subject to deemed consent in an urban area of partial control and in an urban area of minimum control.
4. A project board may not exceed 1,5 square metre per consultant or contractor, whether displayed as part of a combined project board or individually.
5. A combined project board may not exceed 9 square metres in total.
6. An individual or single board may be displayed only if no other consultants or contractors are involved, or if a combined project board has already been erected.
7. A sign describing the type of development may not exceed 3 metres in height and –
 - (a) may not, in an urban area of maximum control, exceed 4,5 square metres in size, and;
 - (b) may not, in any other area of control, exceed 6 square metres in size.
8. The provisions of section 21(1)(a), (c)(i) and (iii), and the following conditions apply to the position of a sign:
 - (a) Only one advertisement per contractor or consultant may be displayed per street frontage of a site;
 - (b) only one advertisement per contractor or consultant per project may be displayed in a rural area of maximum control;
 - (c) only one sign describing the type of development may be displayed per premises;
 - (d) a project board must be positioned within property boundaries only; and
 - (e) a project board concerning road construction may be positioned in any road reserve, including a freeway.
9. No specific limitations are imposed on the colour or texture of a sign.
10. Illumination or animation of a sign is not permitted.

11. A sign may describe the building or structure being erected, or other work or activity being carried out while the project is in progress only, and the names of the contractors or consultants concerned in such work or activity, and the branches of the industry or the professions of the contractors or consultants may be listed.
12. Where a sign describes the type of development being carried out on a site, details concerning the type of accommodation being provided, the floor space available and the name, address and telephone number of the developer or his agent may be contained in the sign.
13. A sign may not be used for commercial advertising.
14. A sign in this class must be removed within 7 days after completion of the project

SCHEDULE 12
Temporary window signs (Class 2(d)(v))
(Section 7(1)(b)(iv)(ee))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign is subject to deemed consent.
3. The total area of all temporary signs, which are painted on or attached to the windows of a specific enterprise may not exceed –
 - (a) 10 percent of the total ground-floor window area of such enterprise in an urban area of maximum control;
 - (b) 25 percent of the total ground-floor window area of such enterprise in an urban area of partial control; and
 - (c) 50 percent of the total ground-floor window area of such enterprise in an urban area of minimum control.
4. Display of a sign is limited to ground-floor windows.
5. No limitations are imposed on the colour or texture of a sign.
6. Subject to the provisions of section 18(1), 19(4), 21(e) and 22, no internally illuminated signs displayed inside a building in an urban area of maximum control may be visible from outside the building.
7. Display of a sign is subject to the safety requirements as provided for in sections 18(1) and 18(2).
8. Price tags smaller than 0,01 square metre on items inside buildings are excluded from this class.
9. A sign may not be used for commercial advertising.

SCHEDULE 13
Street name advertisement signs (Class 2(e))
(Section 7(1)(b)(v))

1. Street name advertisements may be displayed in urban areas along proclaimed main roads and in those roads reserves, which are determined by the municipality from time to time, within an urban area of partial control and an urban area of minimum control only.
2. Street name advertisements may not be displayed in residential areas.
3. Display of street name advertisements is subject to specific consent.
4. The advertising and street name sections must be rectangular in shape.
5. In the case of Street name advertisements –

- (a) the street name section –
 - (i) must be below the advertising section, but not closer than 200 millimetres to the advertising section; and
 - (ii) may not have a clear height of less than 2,1 meters; and
 - (b) the advertising space may not be smaller than 0,8 square metre, and may not exceed 1 square metre.
6. The illuminated parts of the sign must be above the level of standard pole-mounted traffic lights and may not extend over the road surface.
7. The provisions of section 22(1)(a) and (c), and the following conditions apply to the position of a sign:
- (a) A street name advertisement may be displayed at an intersection only, with a maximum of two illuminated signs displayed per intersection; and
 - (b) a street name advertisement may be displayed within an urban road reserve other than a freeway, and on a road median.
8. Static illumination is allowed, but the colours red, amber and green may not be used at signalised traffic intersections.
9. The street name must be in black letters on a white background.
10. Subject to the conditions of section 18(1), 19(4), 21(e) and 22, the following conditions apply to the illumination and animation of a sign:
- (a) Internal illumination of both sections of the sign is permitted, on the condition that the degree of illumination intensity must be equal for both parts of the sign;
 - (b) no form of animation is permitted; and
 - (c) a sign may not flash.
11. A street name on the advertising space must be smaller and less conspicuous than the street name on the actual street name panel, and the layout of the advertising panel must be such that there may not be any confusion with the street name on the street name panel of the sign.
12. Advertising on a directory signboard may include the name and logo only of the industry, and a standard directional arrow.
13. The name only of the street may appear on the street name panel and the words "Street", "Avenue", "Way", or words with a similar denotation may not be used.
14. A street name advertisement should be aimed primarily at advertising and identifying:
- (a) A shopping centre and groups of shops in an arcade or plaza;
 - (b) a community facility as provided for in the municipal Zoning Scheme;
 - (c) a parking area; or
 - (d) a larger and more prominent enterprise and institution, such as an apartment store, a bank and financial institution, an industry, a filling station, and an hotel.

SCHEDULE 14**Neighbourhood watch signs and signs relating to similar schemes (Class 2(f))
(Section 7(1)(b)(vi))**

1. Subject to the provisions of section 5(4), a sign be displayed in ~~all~~ areas of control.
2. Display of a sign is subject to deemed consent.
3. A sign may not exceed 0,35 square metre in area.
4. The clear height of a sign may not exceed 3 metres.
5. In urban areas only one sign may be displayed per street boundary of a stand or subdivision, and the sign must be firmly affixed to the building, boundary wall, fence or gate on the street frontage, or must be displayed within the boundaries of the stand.
6. A neighbourhood watch sign may be displayed within a road reserve other than a freeway at the point of entry to the watch area, but a sign may not be positioned on a road island, road median, or inside a restricted area at street corners as represented in Figure 2, Schedule 36.
7. No specific limitations are imposed on the colour or texture of a sign.
8. Illumination or animation of a sign is not permitted.

SCHEDULE 15**Product replicas and three-dimensional signs (Class 2(g))
(Section 7(1)(b)(vii))**

1. A sign may be displayed in an urban area of partial control and an urban area of minimum control only.
2. A sign may not be displayed on municipal land or within formal road reserves.
3. Display of a sign in an urban area of partial control is subject to specific consent.
4. Display of a sign in an urban area of minimum control is subject to deemed consent.
5. The highest point of any free-standing sign may not be more than 3 meters above ground level.
6. Individual signs may not exceed a vertical dimension of 1,5 meters and a diameter of more than 1 meter .
7. Only one sign per enterprise may be attached to buildings or displayed on individual premises, and a sign may not exceed a total sign area of 3 cubic metres in an urban area of partial control, and a total sign area of 6 cubic metres in an urban area of minimum control.
8. A sign attached to a building may not be displayed above the bottom edge of the second-floor window, and may not extend above the level of the underside of the eaves or gutter of the building.
9. A sign may not be placed in front of, or obstruct the view from any window or any other external opening of a building.
10. Items 6 and 7 do not apply to entertainment districts.
11. Signs aimed at the road user must be spaced at the following minimum distances when in view of each other and on the same side of the road:
 - (a) On a road with a speed limit of 81 kilometres per hour and higher the distance between signs may not be less than 250 metres;
 - (b) on a road with a speed limit between 61 kilometres per hour and 80 kilometers per hour the distance between signs may not be less than 200 metres; and

- (c) on a road with a speed limit below 60 kilometres per hour the distance between signs may not be less than 120 metres.
12. No specific limitations are imposed on the colour or texture of a sign.
13. Subject to the provisions of section 18(1), 19(4) and 22, illumination or animation of a sign is allowed.
14. A product replica may not dominate prominent architectural features of a building, with the exception of buildings in entertainment districts.

SCHEDULE 16
Sky signs (Class 3(a))

(Section 7(1)(c)(i))

1. A sign be displayed in an urban area of partial control and an urban area of minimum control only.
2. A sign may be displayed only after an environmental impact assessment, which includes visual, social and traffic safety aspects, has been undertaken and has been submitted by the applicant to the municipality and which has been approved by the municipality.
3. A sign may not exceed a maximum size of 150 square metres.
4. A maximum of only one sign per skyscraper may be displayed.
5. The municipality, having regard to the outcome of an impact assessment, and having taken into consideration factors such as the size and character of the business centre and surrounding area, the lifestyle of the local community, and the nature of host skyscraper, shall specify the size of a sign and the number of signs which may be displayed, and a person who intends to display a sign may not display a sign in contravention of the municipality's specifications.
6. A sign may not project in front of a main wall of a host building so as to extend in any direction beyond the roof of such a building.
7. A sign may not obstruct the view from any other building or a prominent viewpoint in the City.
8. In the instance where cluttering of signs occurs, the municipality may by written notice in terms of section 11(2) require the person who displays a sign to remove the sign within a specified period.
9. No specific limitations are imposed on the colour or texture of a sign.
10. Subject to the provisions of sections 18(1), 19(4) and 22, illumination of a sign is allowed.
11. A sign must be designed by a structural engineer.
12. The municipality may approve the display of a sign for a period not exceeding five years.
13. The advertisement contents of an approved sign may not be changed without approval by the municipality based on an additional impact assessment submitted to and approved by the municipality.

SCHEDULE 17
Roof signs (Class 3(b))
(Section 7(1)(c)(ii))

1. A sign may be displayed in an urban area of partial control and an urban area of minimum control only.
2. Display of a sign is subject to specific consent.
3. Only a locality-bound sign may be displayed.

4. A sign may not be so affixed that the bottom of the sign is more than 1,2 metre above the nearest portion of the roof beneath it.
5. A sign must be constructed in a straight line, except in the case of a V-construction, where the two sides forming the sides of the V must be of equal length, and the distance between the sides at the open end furthestmost from the apex of the V may not exceed the length of the sides.
6. A sign may not exceed in size the following areas:
 - (a) The maximum area of a sign may not exceed two square metres when the height of the sign above ground level is under six metres;
 - (b) the maximum area of a sign may not exceed four square metres when the height of the sign above ground level is between six metres and nine metres;
 - (c) the maximum area of a sign may not exceed eight square metres when the height of the sign above ground level is between nine metres and 12 metres;
 - (d) the maximum area of a sign may not exceed 12 square metres when the height of the sign above ground level is between 12 metres and 18 metres; and
 - (e) the maximum area of a sign may not exceed 18 square metres when the height of the sign above ground level is greater than 18 metres.
7. In the case of a V-construction sign the above areas apply separately to the two vertical faces of the sides forming the V.
8. A sign may not exceed 300 millimetres in thickness, except in the case of a V-construction sign.
9. Only one sign may be displayed per building.
10. A sign may not project in front of a main wall of a building so as to extend in any direction beyond the roof of such building.
11. In an urban area of partial control, a sign must be placed well below the ridge of a pitched roof so as not to form part of the skyline of such building.
12. No specific limitations are imposed on the colour or texture of a sign.
13. Subject to the provisions of section 18(1), 19(4) and 22, illumination of a sign is allowed.
14. No advertising of this class of signs may be done on residential buildings.

SCHEDULE 18
Flat signs (Class 3(c))
(Section 7(1)(c)(iii))

1. A sign may be displayed in an urban area of maximum control, an urban area of partial control and an urban area of minimum control, and at centres of economic activity in an urban area of minimum control.
2. Display of a sign is limited to buildings utilised for commercial, office, industrial or entertainment purposes, and larger accommodation facilities.
3. A non-locality bound sign may not be displayed on a building used mainly for residential purposes or for community services, or a community institution, a small enterprise and a practice on residential premises, or a small-scale residential-oriented accommodation.
4. Only a locality-bound sign may be displayed in a rural area of maximum control and an urban area of maximum control.

5. The requirements concerning consent are as follows:
 - (a) Display of a sign in a rural area of maximum control and an urban area of maximum control is subject to specific consent;
 - (b) display of a sign in an urban area of partial control and an urban area of minimum control is subject to specific consent for a non-locality bound sign;
 - (c) display of a sign in an urban area of partial control and an urban area of minimum control is subject to specific consent for a locality-bound sign above first-floor level; and
 - (d) display of a sign in an urban area of partial control and an urban area of minimum control is subject to deemed consent for a locality-bound sign at first or ground-floor level.
6. A sign in excess of 36 square metres in size may be displayed only after an environmental impact assessment, which includes visual, social and traffic safety aspects, has been undertaken and has been submitted to and approved by the municipality.
7. In an urban area of partial control and an urban area of minimum control, flat signs may be displayed at ground or first-floor level in accordance with the commercial, industrial or entertainment character of such zones, but the aesthetic control of the signs will be determined by the municipality from time to time.
8. The maximum size for a sign is as follows:
 - (a) In the case of a locality-bound sign, the total sign area for an enterprise may not exceed 20 percent of a specific ground-floor facade of the enterprise where the enterprise is situated in an urban area of maximum control;
 - (b) in the case of a locality-bound sign, the total sign area for an enterprise may not exceed 30 percent of a specific ground-floor façade of the enterprise where the enterprise is situated in an urban area of partial control and an urban area of minimum control;
 - (c) in the instance of a shopping centre, wall units on which flat signs are displayed may not exceed 30 percent of a specific facade of the shopping centre, excluding office levels; and
 - (d) in the case of a non-locality-bound sign, the sign may not exceed 72 square metres, and the actual size of the sign will depend on the size of the specific side wall and on factors such as the character of the building and the streetscape as a whole.
9. The maximum projection of any part of a sign over a footway or ground level is 75 millimetres where the sign is less than 2,4 metres above the sidewalk or ground level immediately below the sign, and 300 millimetres where the sign is more than 2,4 metres above such footway or ground level.
10. No more than one sign per enterprise may be displayed in a rural area of maximum control and an urban area of maximum control, and no more than two flat signs per enterprise may be displayed in an urban area of partial control and an urban area of minimum control.
11. A sign may consist of a panel or sheet or of individual numbers, letters or symbols.
12. A sign may not cover a window or any other external opening of a building, or obstruct the view from such opening.
13. A sign may not extend above the top or beyond either end of a wall.
14. A sign may be attached to a flat wall surface only.
15. A non-locality-bound sign may be attached to the side wall of a building only.
16. A locality-bound sign may not be displayed above the lower edge of a visible second-floor window in a specific building façade, but a locality-bound sign for the following enterprises or function is excluded from this condition:

- (b) a larger apartment store;
 - (c) a larger hotel;
 - (d) a larger industry;
 - (e) a government institution;
 - (f) a shopping centre; and
 - (g) a building's name.
17. Items 12 – 16 of this Schedule do not apply to entertainment areas.
18. A sign may at no point project more than 300 square millimetres from the surface of the main wall.
19. No limitations are imposed on the colour or texture of a sign.
20. Subject to the provisions of section 18(1), 19(4) and 22, illumination of a sign is allowed.
21. A wall unit designed to display a flat sign at a shopping centre must be designed in such a way as to form a structural and architectural whole with the building of the shopping centre.

SCHEDULE 19
Projecting signs (Class 3(d))
(Section 7(1)(c)(iv))

1. A sign may be displayed in an urban area of maximum control, an urban area of partial control, and an urban area of minimum control, and at centres of economic activity in a rural area of maximum control.
2. Display of a projecting sign is limited to a building utilised for commercial, office, industrial or entertainment purposes and to a larger accommodation facility.
3. A sign may not be displayed on a building used for residential purposes or for community services or community institutions, a small enterprise and a practice on residential premises, or a small-scale residential-oriented accommodation.
4. Only a locality-bound sign may be displayed.
5. Consent requirements are as follows:
- (a) Display of a sign in a rural area of maximum control and an urban area of maximum control is subject to specific consent;
 - (b) display of a sign above first-floor level in an urban area of partial control and an urban area of minimum control is subject to specific consent; and
 - (c) display of a sign below the lower edge of a visible second-floor window in an urban area of partial control and an urban area of minimum control is subject to deemed consent.
6. A projecting sign may not be affixed at a clear height of less than 2,4 metres.
7. A projecting sign may not exceed 300 millimetres in thickness.
8. The maximum sizes and dimensions of signs displayed in an urban area of maximum control are as follows:

- (a) Where the clear height of the sign is below six metres, the maximum size of the sign may not exceed 1,2 square metre, the maximum horizontal width may not exceed one metre, and the maximum vertical length may not exceed 1.5 metre; and
 - (b) where the clear height of the sign is above six metres, the maximum size of the sign may not exceed four square metres, the maximum horizontal width may not exceed 1,5 metre, and the maximum vertical length may not exceed three metre.
- 9. The maximum size and dimension of a sign displayed in an urban area of partial control and an urban area of minimum control is as follows:
 - (a) Where the clear height of the sign is below six metres, the maximum size of the sign may not exceed 2,4 square metres, the maximum horizontal width may not exceed 1,5 metres, and the maximum vertical length may not exceed three metres; and
 - (b) where the clear height of the sign is above six metres, the maximum size of the sign may not exceed eight square metres, the maximum horizontal width may not exceed two metres, and the maximum vertical length may not exceed five metres.
- 10. Only one sign may be displayed per enterprise facade.
- 11. In an urban area of partial control and an urban area of minimum control, a projecting sign may be displayed below the lower edge of a visible second-floor window in accordance with the commercial, industrial or entertainment character of such area, and the aesthetic control of the sign will be determined by the municipality from time to time.
- 12. The display of a projecting sign above the lower edge of a visible second-floor window is limited to the following enterprises or function:
 - (a) A bank and a financial institution;
 - (b) a larger apartment store;
 - (c) a larger hotel;
 - (d) a larger industry;
 - (e) a government institution;
 - (f) a shopping centre; and
 - (g) a building's name.
- 13. A sign may not be affixed otherwise than at right angles to the street line.
- 14. A sign may not extend beyond the top of the main wall to which it is affixed or above the level of the top of any parapet wall, or above the level of the underside of the eaves or gutter of a building from which the sign projects.
- 15. A sign may be suspended above a sidewalk and thus above an urban road reserve.
- 16. A sign with a clear height of less than six metres may not project at any point more than 800 millimetres from the surface of the main wall to which it is affixed, or more than one half of the width of the sidewalk immediately below such sign, whichever is the smaller dimension.
- 17. A sign may not be affixed in any way other than the top and the bottom of the sign being in the same vertical plane.
- 18. No specific limitations are imposed on the colour or texture of a sign.
- 19. Subject to the provisions of section 18(1), 19(4) and 22, illumination of a sign is allowed.
- 20. The provisions of section 21(1)(e) apply with regard to an illuminated sign within a restricted area on a street corner.

21. The supports of a sign must be neatly constructed as an integral part of the design of the sign, or else must be concealed from view.
22. A person who intends to display a projecting sign with a clear height of more than six metres, must submit a structural drawing to the municipality for consideration and approval by the municipality.

SCHEDULE 20
Veranda, balcony, canopy and ~~under~~awning signs (Class 3(e))
(Section 7(1)(c)(v))

1. A sign may be displayed in an urban area of maximum control, ~~an~~ an urban area of partial control, an urban area of minimum control, and at centres of economic activity in a rural area of maximum control.
2. Display of a sign in –
 - (a) a rural area of maximum control is subject to specific consent;
 - (b) an urban area of maximum control is subject to specific consent;
 - (c) an urban area of partial control is subject to deemed consent; and
 - (d) an urban area of minimum control is subject to deemed consent.
3. If a sign is affixed flat onto or painted on -
 - (a) a parapet wall;
 - (b) balustrade;
 - (c) railing of a veranda;
 - (d) railing of a balcony;
 - (e) the fascia of a veranda;
 - (f) a beam over veranda columns; or
 - (g) a fascia of a roof structure without walls,
 such sign may not –
 - (i) project at any point more than 100 millimetres from the surface to which it is affixed;
 - (ii) exceed a depth of 750 square millimetres and a length of 2,4 metres; and
 - (iii) extend above or below or beyond any of the extremities of the parapet wall, balustrade, railing, beam or fascia, as the case may be.
4. Not more than one of the signs contemplated in item 3(a) – (g) may be displayed per enterprise facade, except in the case of an enterprise with a facade exceeding 20 metres in length, in which case –
 - (a) more than one sign may be displayed;
 - (b) the signs must be spaced at a minimum of six metres intervals; and
 - (c) the total sign length per enterprise facade is limited to four square metres.
5. A sign on a balcony may not be displayed above the lower edge of any visible second-floor window.

6. An underawning sign -
 - (a) must be aimed at pedestrians;
 - (b) must be fixed at right angles to the street line;
 - (c) must have a minimum clear height of 2,4 metres;
 - (d) may have a maximum sign length of two metres; and
 - (e) may have a maximum sign area of one square metre on each face with a maximum of two square metres in total sign area.
7. No more than one underawning sign may be displayed per enterprise facade, except in the case of an enterprise façade which exceeds 20 metres in length, in which case more than one sign may be displayed, and the signs must be spaced at a minimum of six metres intervals.
8. A sign on top of a veranda roof –
 - (a) may be placed on top of a veranda roof only where such a veranda does not have an appropriate parapet wall, balustrade, railing, fascia or beam on which a sign may be affixed;
 - (b) must be set parallel to the end of the veranda that faces the street or as near thereto as the configuration of the veranda roof will permit;
 - (c) may not extend beyond the extremities of the veranda roof, nor project beyond the rear of any veranda roof gutter;
 - (d) may not cover any window or obstruct the view from any such window; and
 - (e) may not exceed a maximum area of one square metre.
9. Signs on top of veranda roofs on adjacent buildings must be aligned with each other in order to form a straight line.
10. Only one sign may be displayed on top of a veranda roof per enterprise facade.
11. The following conditions apply to a sign painted on or affixed to a supporting column, pillar or post, as the case may be:
 - (a) A sign must be painted on or affixed flat onto the supporting column, pillar or post;
 - (b) a projecting sign may be affixed to a column, pillar or post supporting a roof over fuel pumps at a filling station or roadside service area only, and may not exceed one square metre per sign face or two square metres per total sign area;
 - (c) a sign affixed flat onto a supporting column, pillar or post may not project more than 50 millimetres from the surface to which it is affixed;
 - (d) a sign affixed flat onto a supporting column, pillar or post may not extend beyond any of the extremities of such a column, pillar or post;
 - (e) a sign affixed flat onto a non-rectangular supporting structure must be curved to fit the form of such structure;
 - (f) only one sign may be displayed per pillar, post or column, and this applies also to a sign projecting from a pillar, post or column supporting a roof at fuel pumps; and
 - (g) no posters or placards may be pasted onto a supporting column, pillar or post.
12. A canopy sign must form an integral part of the canopy or blind without dominating the canopy structure or blind.
13. A sign may be suspended above a sidewalk and therefore above an urban road reserve, but may not be displayed on a freeway.

14. No limitations are imposed on the colour or texture of a sign.
15. Subject to the provisions of sections 18(1), 19(4) and 21(1)(e), no illuminated sign or sign designed to reflect light may be attached to or displayed at a street intersection on any splayed or rounded corner of a veranda, canopy or balcony, unless the clear height of the sign is six metres.
16. This Schedule applies to the display of a sign on a roof structure covering fuel pumps, and the display of a sign attached to a roof structure pillar at a filling station and roadside service area.

SCHEDULE 21
Signs painted on walls and roofs (Class 3(f))
(Section 7(1)(c)(vi))

1. A sign be displayed in an urban area of partial control and an urban area of minimum control only.
2. Display of a sign is subject to specific consent.
3. A sign painted onto the facade or roof of a building may not exceed 20 percent of the ground floor facade of the enterprise to which such sign pertains.
4. The total area of all signs painted onto the side walls of a building may not exceed 36 square metres, and the actual size of a sign will depend on the size of the side wall concerned and on other factors, such as the character and appearance of the building and the streetscape as a whole.
5. The following conditions apply to the position of a sign:
 - (a) A non-locality-bound sign may not be displayed on the side wall of a building;
 - (b) a locality-bound sign may be displayed on a facade wall, roof and side wall; and
 - (c) a sign painted onto the facade of a building may be displayed at a position below the lower edge of any visible second - floor window only.
6. No specific limitations are imposed on the colour or texture of a sign.
7. Illumination of a sign is not permitted.
8. Signs in this class may only be painted on the main walls or roof of a building used for commercial, office, industrial or entertainment purposes.

SCHEDULE 22
Window signs (Class 3(g))
(Section 7(1)(c)(vii))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control, and at centres of economic activity in a rural area of maximum control.
2. A sign may be displayed on ground-floor windows only.
3. Display of a sign is subject to deemed consent.
4. The total area of all permanent signs painted on or attached to the windows of a specific enterprise may not exceed –
 - (a) 10 percent of the total ground-floor window area of such enterprise in an urban area of maximum control;
 - (b) 25 percent of the total ground-floor window area of such enterprise in a rural area of maximum control and an urban area of partial control; and

- (c) 50 percent of the total ground-floor window area of such enterprise in an urban area of minimum control.
- 5. A sign may not be displayed above ground-floor level.
- 6. In an urban area of maximum control colours must be in harmony with the rest of the building and the general streetscape.
- 7. No specific limitations are imposed in other areas of control.
- 8. No internally illuminated signs inside a building may be visible from outside the building in an urban area of maximum control.

SCHEDULE 23
Signs incorporated in fabric of building (Class 3(h))
(Section 7(1)(c)(viii))

- 1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
- 2. Display of a sign is subject to specific consent.
- 3. No specific limitations are set on the shape, size and height of a sign, however the building, or structure, or any external face of the building or structure may not be used principally for the display of signs.
- 4. No sign displayed may distract the attention of a driver in a manner likely to lead to unsafe driving conditions.
- 5. A sign must be in balance with the scale of the building and must be visually and architecturally integrated into the building or structure.
- 6. A sign must be maintained properly.
- 7. No sign may be displayed in such a manner as to be detrimental to or have a negative aesthetic impact on the urban design, street-scape or character of the environment.

SCHEDULE 24
Signs on forecourts of business premises Class 3(i)
(Section 7(1)(c)(ix))

- 1. A sign may be displayed in an urban area of maximum control, an urban area of partial control, and an urban area of minimum control, and on forecourts in centres of economic activity in a rural area of maximum control.
- 2. Display of a sign is subject to deemed consent.
- 3. An individual free-standing forecourt sign may not –
 - (a) exceed 1,64 square metres in size if it is a single-sided sign; and
 - (b) exceed 3,28 square metres in size if it is a double-sided sign.
- 4. The total area for all free-standing forecourt advertisements displayed may not exceed five square metres on each forecourt frontage to a premises.
- 5. The total area for all free-standing advertisements displayed on the forecourts at filling stations and roadside service areas may not exceed eight square metres per forecourt frontage.
- 6. The maximum size of a non-free-standing sign attached to a fuel pump, vending machine and a similar non-advertising structure at a filling station and service area, may not exceed 0,15 square metre.
- 7. The provisions of section 21(1)(e), and the following conditions apply to the position of a sign:
 - (a) A notice, sign or advertisement must be free-standing with the exception of an additional sign area attached to a fuel pump and similar non-advertising structure at a filling station and roadside service;

- (b) display of a sign is not permitted inside a formal road reserve;
 - (c) a forecourt sign may not be positioned in such a way as to interfere with pedestrian circulation; and
 - (d) a sign must be aimed at passing pedestrians and the users of the forecourt space concerned and may not be aimed at passing motorists.
8. No limitations are imposed on the colour or texture of a sign.
 9. Subject to sections 18(1), 19(4), and 22, illumination of a sign is allowed.
 10. No animation of a sign is allowed.
 11. A hand-written message is allowed on a board provided for writing messages on.

SCHEDULE 25
Signs for residential-oriented land use and community services (Class 3(j))
(Section 7(1)(c)(x))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign is subject to deemed consent.
3. The following conditions apply to the display of direction and warning signs and notices such as "Beware of the dog", and "Burglar Alarm":
 - (a) A sign may not exceed a total area of 0,08 square metre per premises; and
 - (b) if there is more than one entrance to the premises on different road frontages, a total sign area of 0.16 square metre may be displayed, with not more than 0, 08 square metre per frontage.
4. The following conditions apply to the display of a sign indicating the name and the nature of an accommodation facility, including a bed-and-breakfast establishment, a crèche or any other pre-school caring centre, within an area with a residential character:
 - (a) One sign with a maximum area of one square metre per premises may be displayed;
 - (b) if there are more than one entrance to the premises on different road frontages, two signs with a combined maximum area of 1,5 square metre each may be displayed with each on a different frontage;
 - (c) where a solid supporting structure is provided, the maximum area per sign, including the supporting structure, may not exceed three square metres and the sign panel or lettering may not occupy more than 50 percent of the total sign area;
 - (d) where more than one smallholding or farm share the same unnumbered or private access route a combination sign or collective board must be provided which will allow for one square metre per farm or smallholding; and
 - (e) where more than one enterprise share the same premises, a combination sign or collective board must be provided which allows for one square metre per enterprise.
5. Where a sign indicates the name and nature of home occupation from a place of residence, an accommodation facility, or the name of a proprietor, partner or practitioner, one sign with a maximum area of 0,08 square metre may be displayed per premises.
6. The following conditions apply to a sign indicating the name and nature of an institution or other community facility:
 - (a) A sign with a maximum area of three square metres may be displayed per premises;
 - (b) if there are more than one entrance to the premises on different road frontages, two signs with a maximum area of three square metres each may be displayed, with each on a different frontage;

- (c) where a solid supporting structure forms part of the sign, the total sign area may be enlarged to six square metres, and the actual sign panel or lettering may not occupy more than 50 percent of the total sign area; and
 - (d) where more than one institution or community facility share the same premises, a combination sign or collective board may be displayed which allows for two square metres per institution or community facility.
7. Where a sign indicates a street number, one sign may be displayed per road frontage of each premises, with a minimum letter size of 150 millimetres and a maximum size of 350 millimetres.
 8. The highest point of any single free-standing sign may not extend three metres above ground level, and the highest point of any combination sign may not extend four metres above ground level.
 9. The name or logo, or both the name and logo of the sponsor of a sign may be displayed on the name signs of smallholdings only, and may not occupy more than one-third of the total area of the sign.
 10. A sign may be displayed on the premises to which it specifically refers, or on the boundary wall or fence or gate of such premises only.
 11. A farm or smallholding name sign may be displayed next to the entrance of the access road to the homestead, or alternatively may be affixed to the gate at the entrance of such access road.
 12. Where several smallholdings share the same unnumbered or private access road –
 - (a) a collective board or combination sign may be displayed at the entrance to the access road, but no smallholding name sign may be displayed if any official traffic sign bearing a destination or route number is displayed at the entrance to such access road; or
 - (b) a combination sign or collective board may be provided which will allow for one square metre per farm or smallholding.
 13. Where several smallholdings share an access road, a sign indicating the property numbers in question only may be displayed, and not a combination sign indicating property names and names of owners.
 14. The display of a sign in this class is allowed inside such a restricted area only if there is no other appropriate way of displaying the sign, however the sign may not be displayed inside a road reserve.
 15. The colour or texture of a sign must, wherever possible, harmonise with the building on the premises.
 16. No animation of a sign is permitted.
 17. No illumination of a sign is permitted in a rural area of maximum control.
 18. The illumination of signs in urban areas of control must comply with the provisions of sections 18(1), 19(4) and 22.
 19. The design and construction of a sign, a sign, and a supporting structure must harmonise, wherever possible, with the buildings and other structures on the premises as regards materials, colour, texture, form, style and character.
 20. A free-standing sign may only be displayed when it is not practical or visually acceptable to attach a sign to a building, boundary wall, boundary fence, gate or gate structure.

SCHEDULE 26
On-premises business signs (Class 3(k))
(Section 7(1)(c)(xi))

1. For the purposes of this Schedule, the term 'premises' in the definition of "locality bound sign" includes a shopping centre, or industrial estate as a whole, or a communal parking area together with related enterprises.
2. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
3. Display of a sign is subject to specific consent.

4. A sign may only be displayed in the following instances:
 - (a) Where the building housing an enterprise is situated relatively far back from the road or street onto which it faces, and a passing motorist or pedestrian may have difficulty in noticing a sign affixed to such building;
 - (b) where it is not structurally possible or visually feasible to display an appropriate sign on a building, such as a sign contemplated in section 7(1)(c)(iii), being a sign in subclass 3(c) (flat signs), a sign contemplated in section 7(1)(c)(iv), being a sign in the subclass 3(d) (projecting signs), or a sign contemplated in section 7(1)(c)(v), being a sign in the subclass 3(e) (veranda, balcony, canopy, and underawning signs);
 - (c) where a sign is needed to locate the entrance to business premises or the private access road to a business; or
 - (d) where a free-standing combination sign may prevent a proliferation of signs.
5. Only one sign per enterprise may be displayed on a combination sign.
6. If there is more than one entrance to premises on different road frontages, two signs or advertising panels may be displayed per enterprise, each on a different road frontage.
7. Display of a sign at a farm stall or an access road to a farm or smallholding in an urban area of maximum control is subject to the following conditions:
 - (a) A maximum sign area of two square metres is permitted, provided that where a sign is affixed to a non-advertising structure such as a boundary wall, gate or gate structure, the sign may not occupy more than 50 percent of the structure to which it is affixed;
 - (b) a sign may not extend above or beyond any of the extremities of the structure to which it is affixed;
 - (c) where a solid advertising structure is used, the maximum area per sign, including the supporting structure, may not exceed four square metres, and the sign panel or lettering may not occupy more than 50 percent of the total sign area; and
 - (d) where a sign is incorporated in a combination sign displayed at an access road, the maximum sign panel area may not exceed 1,5 square metre.
8. Display of a sign, excluding a sign displayed in terms of item 4(c) above, in an urban area of maximum control is subject to the following conditions:
 - (a) A maximum sign area of 4,5 square metres is permitted, provided that where a sign is affixed to a non-advertising structure such as a boundary wall or gate structure, it may not occupy more than 50 percent of the structure to which it is affixed;
 - (b) a sign may not extend above or beyond any of the extremities of the structure to which it is affixed;
 - (c) where a solid advertising structure is used, the maximum area per sign, including the supporting structure, may not exceed nine square metres, but the actual sign panel or lettering may not occupy more than 50 percent of the total sign area; and
 - (d) where a sign is incorporated in a combination sign, the maximum sign panel area per sign panel may not exceed three square metres.
9. Display of a sign in an urban area of partial control and an urban area of minimum control is subject to the following conditions:
 - (a) A maximum area of six square metres per sign is permitted, provided that where a sign is affixed to a non-advertising structure such as a boundary wall or gate structure it may not occupy more than 50 percent of the structure to which it is affixed;
 - (b) a sign may not extend above or beyond any of the extremities of the structure to which it is affixed;
 - (c) where a solid advertising structure is used, the maximum area per sign, including the supporting structure, may not exceed 12 square metres, but the actual sign panel or lettering may not occupy more than 50 percent of the total sign area; and

- (d) where a sign is incorporated in a combination sign, the maximum sign panel area per sign panel may not exceed of 4,5 square metres.
10. The following conditions apply to the height of a sign:
- (a) The highest point of a single-freestanding sign at a farm stall and a farm access road in an urban area of maximum control may not exceed a height of three metres above ground level, and that of any other sign may not exceed four metres;
 - (b) the highest point of a combination sign at a farm stall and a farm access road in an urban area of maximum control may not exceed a height of four metres above ground level, and that of any other combination sign may not exceed seven metres;
 - (c) the highest point of a single-freestanding sign in an urban area of partial control and an urban area of minimum control may not exceed a height of four metres above ground level; and
 - (d) the highest point of a combination sign in an urban area of partial control and an urban area of minimum control may not exceed a height of 10 metres above ground level.
11. The name or logo, or both the name and logo of the sponsor of an on-premises business sign may not occupy more than one-third of the total area of a sign, and it must refer to products and services available on those specific premises or at that specific enterprise.
12. A sign displayed in an urban area of partial control and an urban area of minimum control may not have in its design any letters, figures, symbols or similar features over 0,75 metre in size.
13. A sign displayed in an urban area of maximum control may not have in its design any letters, figures, symbols or similar features over 0,35 metre in size.
14. A sign displayed may not serve as an advance sign and may be displayed only on the premises where the business is conducted.
15. Where a business or enterprise, such as a stall or guest-house is situated on a large property such as a large smallholding, the sign must be placed in the immediate vicinity of the enterprise if such enterprise is adjacent to or visible from a public road, but if the enterprise is not adjacent to or visible from a public road, the sign must be placed at the entrance of the private access road to the enterprise.
16. A sign indicating a roadside enterprise, such as a farm stall or a roadside café may not be closer than five metres from a road reserve fence, and such enterprise must have direct access to the public road.
17. A combination sign displayed at a shopping centre or industrial estate and which contain a large amount of information must be designed and located with care so as not to create a traffic safety hazard because of an information overload.
18. No sign may obstruct the view from any adjacent building.
19. No limitations are imposed on the colour or texture of a sign.
20. The provisions of section 18(1), 19(4), 21(e), 22, and the following conditions apply to the illumination and animation of a sign:
- (a) Internal and external illumination is permitted in an urban area of partial control and an urban area of minimum control;
 - (b) external illumination only is permitted in an urban area of maximum control; and
 - (c) animation is prohibited in all areas of control.
21. A sign may contain only –
- (a) the name and nature of the business or enterprise on the premises;
 - (b) the brand-name and nature of the goods for sale or goods produced;
 - (c) the nature of services provided; and

- (d) the name of the person or persons who owns or own the business or who provides or provide the goods or services at the premises, or the firm or firms which owns or own the business or which provides or provide the goods or services at the premises.
22. The design and construction of a sign must be aimed at the prevention of proliferation of signs at shopping centres, other premises, or access roads housing or leading to several enterprises, and –
- (a) individual signs must be incorporated in a combination sign, and the design of a combination sign must be of a high standard and must harmonise with the architecture of the shopping centre or other buildings or structures, such as entrance gates;
 - (b) messages displayed on the individual panels or boards of a combination sign must be concise and legible; and
 - (c) signs displayed at access roads to farms or smallholdings must be co-ordinated with a sign contemplated in section 7(1)(c)(x), being a sign in subclass 3(j) (signs for residential-oriented land use and community services) indicating smallholding names in order to form a single combination sign, and the necessary harmony must be achieved by using the same form, letter type and colour for the various parts of the combination sign.

SCHEDULE 27

Signs on towers, bridges and pylons (Class 3(l) (Section 7(1)(c)(xii))

1. Display of a sign is permitted in an urban area of partial control and an urban area of minimum control only.
2. Display of a sign is subject to specific consent.
3. Subject to the provisions of section 21(1), a sign may not be displayed in an urban area of maximum control on a bridge across a freeway.
4. Written permission for the display of a sign on a bridge in an urban area of partial control and an urban area of minimum control must, prior to the display of the sign, be obtained from the institution or authority responsible for the maintenance of the structure where such maintenance is not the responsibility of the municipality.
5. A maximum of two signs may be displayed on a tower, bridge or pylon.
6. The maximum aggregate sign area per tower, bridge or pylon may not exceed 36 square metres.
7. In the instance where a sign is displayed on a pylon, the pylon without the sign must be such that the entire assembly can be wholly contained within a notional vertical cylindrical figure with a diameter of six metres and a height of 12 metres.
8. In the instance where a sign is displayed on a pylon, no protruding part of the sign may be less than 2,4 metres above the highest point of the existing ground level immediately below such pylon or sign.
9. No sign may extend beyond the top of a tower.
10. No sign may extend above, below, or beyond any of the extremities of a bridge.
11. No sign may be affixed to any structural column of a bridge.
12. A sign may not project more than 300 millimetres from the main wall of a tower, or from a bridge structure.
13. No limitations are imposed on the colour or texture of a sign.
14. Subject to the provisions of section 18(1), 19(4) and 22, illumination or animation may be permitted in an urban area of minimum control, provided such illumination or animation does not constitute a road safety hazard, or cause undue disturbance.
15. In the instance of cellular masts, and in addition to the applicable requirements set out in this schedule, applications for advertising on cellular masts shall be treated individually on their own merits, and in considering the application, the following shall be taken into account:
 - (a) The locality of the cellular mast, the land-use zoning of the erf on which it is positioned and its visual impact;

- (b) preference shall be given to advertising on cellular masts in shopping centres, in areas of concentrated commercial or industrial activity and on suitable portions of Council-owned land where the municipality can derive an income from the advertising installation;
- (c) full details of the name boards, wording, logo, materials to be used, the exact size and location of the boards on the mast and details of any illumination or special effects must be provided when applying for permission to place advertisements on a cellular mast; and
- (d) the same general environmental and aesthetic criteria applicable to signs contemplated in section 7(1)(a), being signs in class 1 (billboards and other high-impact free-standing signs) and signs contemplated in section 7(1)(c)(i), being a sign in class 3(a) (sky signs) apply to advertising on cellular masts.

16. The following apply to gantry advertising;

- (a) Gantry advertising is not allowed in areas of maximum control;
- (b) approval of gantry advertising is subject to approval by the Aesthetical Committee of the Municipality;
- (c) the vertical supporting structures of gantries shall not be located within road reserves and may not be used for advertising;
- (d) the supporting structures of gantries must be designed in such a way that it forms an aesthetically pleasing component of the gantry itself;
- (e) the gantry beams must be designed in such a manner that exposed parts thereof will be aesthetically pleasing;
- (f) vacant advertising space may not be advertised on a gantry or a bridge;
- (g) no animation, 3D replicas or cut-out silhouettes are allowed on gantries or bridges;
- (h) the minimum height of a gantry is 6m above the level of the street below;
- (i) gantries are not allowed within 300m of signalized traffic intersections where overhead traffic lights had been installed;
- (j) lighting units and their supports may not be located lower than the lower edge of a gantry or bridge deck;
- (k) no more than one advertisement may be displayed per direction on a gantry or a bridge;
- (l) the minimum height of letters is 200mm;
- (m) the height of a gantry advertising sign may not exceed 3m;
- (n) gantries may not be supported on a median island where the median island is less than 10m wide, and a minimum distance between a median island support and an adjacent roadway may not be less than 4.5m;
- (o) advertising gantries may not be spaced closer than 2km along the same street, however, gantries for official streetscaping projects are excluded from this requirement; and
- (p) advertising gantries may not be closer than 200m to traffic intersections along arterial roads and closer than 150m to traffic intersections on lower order roads.

17. (a) The display of formal road traffic signage on bridges, to convey directional or tourist information, shall receive a higher priority than the display of advertisements or non-essential community information.
- (b) The municipality may instruct an advertiser to remove advertisements from a bridge, should it become necessary to display formal road traffic signs at a particular position, and the advertiser retains the right to a full or partial refund of application fees and costs incurred to manufacture the advertising sign, but not to fund any contractual obligations or subsequent liabilities where a third party is involved.

SCHEDULE 28**Signs on construction site boundary walls and fences (Class 3(m))
(Section 7(1)(c)(xiii))**

1. A sign may be displayed in an urban area of partial control and an urban area of minimum control only, subject to the following conditions:
 - (a) The sign must conceal an unsightly condition arising out of the use to which the property is lawfully being put; and
 - (b) the sign must be making a positive contribution to the visual environment.
2. Display of a sign is subject to specific consent.
3. The size of a sign may not exceed a total area of 18 square metres, and the height of a sign may not exceed three metres.
4. The provisions of section 21(1)(d) and (e), and the following conditions apply to the position of a sign:
 - (a) A sign may not be placed on the top of a fence or wall unless it is positioned to rest directly thereon; and
 - (b) a sign may not project more than 100 millimetres to the front of the wall or fence to which it is affixed.
5. No limitations are imposed on the colour or texture of a sign.
6. Illumination or animation of a sign is not permitted.
7. A sign may not be painted or pasted directly onto a construction site boundary wall or fence, and poster signs in this class must be enclosed within definite panels similar to those described in item 11 of class 2(d)(iii), and must be uniform in size and level.
8. Signs displayed on a fence or wall must be treated as a visual unity, and wherever possible, a sign contemplated in section 7(1)(d)(iv), being a sign in subclass 2(d)(iv) (project boards), if displayed, should also be incorporated in this unified design.
9. A sign must always make a positive contribution to a particular streetscape.
10. A sign may be displayed for the duration only of the construction work.

SCHEDULE 29**Sponsored road traffic projects signs (Class 4(a))
(Section 7(1)(d)(i))**

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign in a rural area of maximum control and an urban area of maximum control is subject to specific consent.
3. Display of a sign in an urban area of partial control and an urban area of minimum control is subject to deemed consent.
4. A sign may not exceed 4,5 square metres in size, and no part of the sign may be higher than three metres above ground level.
5. A sign may contain the name of the project, and the name or logo, or the name and logo of the sponsor only, and the name or logo, or both the name and logo of the sponsor of a project may not occupy more than one-third of the total area of a sign.
6. In the case of an advertisement displayed on an SOS call-box, a duplicate advertisement may be attached to each side of the call-box, and its size is limited to 0,04 square metre on each side of the call-box.
7. Signs displayed on the same side of the road, excluding SOS call-boxes, may not be closer than five kilometres from each other.
8. No limitations are imposed on the colour or texture of a sign.
9. Illumination or animation of a sign is not permitted.
10. Retro-reflective material may be used to improve the conspicuousness of emergency facilities such as SOS emergency call boxes.

SCHEDULE 30
Service facility signs (Class 4(b))
(Section 7(1)(d)(ii))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign is subject to specific consent.
3. A person who displays a sign must, before the sign is displayed, enter into a lease agreement with the municipality for the lease of the site on which the sign is to be displayed.
4. A combination sign may not exceed the following dimensions:
 - (a) A height of seven metres and a width of two metres, if displayed in an urban area of control;
 - (b) a height of 10 metres and a width of three metres, if displayed on a freeway; and
 - (c) a height of 20 metres and a width of six metres, if displayed in a rural area of maximum control.
5. A maximum of eight advertising panels is allowed per combination sign.
6. Only one business, enterprise, or service may be displayed per advertising panel.
7. An advertising panel may not exceed the following sizes:
 - (a) 4,5 square metres in an urban area of control;
 - (b) 6 square metres on a freeway; and
 - (c) 18 square metres in a rural area of maximum control.
8. Only one combination sign as permitted in this class may be displayed on the premises of a filling station or roadside service area.
9. The provisions of section 21(1)(d) and (e), and apply and a sign may not be displayed closer than –
 - (a) 50 metres to the road reserve boundary of any road in a rural area of maximum control;
 - (b) 50 metres to the road reserve boundary of a freeway; and
 - (c) five metres to the road reserve boundary of any other urban road; and
10. No specific limitations are imposed on the colour or texture of a sign.
11. The provisions of section 19(4) and 22, and the following conditions apply to the illumination and animation of a sign:
 - (a) A sign may be illuminated only if the business provides a 24-hour service;
 - (b) a facility with limited after-hours services may illuminate its signs during its business hours only; and
 - (c) no animation of a sign is permitted.
12. Should a person wish to display a sign which exceeds the sizes stipulated in item 7, he or she must submit a proposal to the municipality for approval by the municipality, which proposal must include –
 - (a) a location plan;
 - (b) detail drawings of the sign;
 - (c) an engineer's certificate verifying that the sign was designed by a structural engineer; and
 - (d) a comprehensive motivation setting out reasons why compliance with the requirements set out cannot be met.

13. A sign on a combination sign may refer to the name or logo of a business, company or person providing a service only, and may indicate the type of service provided.
14. Only a locality-bound sign may be displayed.
15. A sign in this class may only be displayed at a service facility adjacent to and directly accessible from the public road at which such sign is directed.
16. A supplementary sign displayed at a roadside service area and which does not form part of a combination sign permitted under this class may be used for internal direction and orientation only, and may not be aimed at passing motorists.
17. Facility signs must face oncoming traffic and must be focused exclusively on casual passing motorists, and thus they should not be primarily focused on regular customers.
18. Signs in this class can only be considered in road side service areas if properly motivated and sufficient space is not available on the adjacent site.

SCHEDULE 31
Tourism Signs (Class 4 (c))
(Section 7(1)(d)(iii))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. The display of a sign in all areas of control is subject to specific consent.
3. These signs may be displayed within road reserves unless the municipality prescribes otherwise.
4. The sizes and positioning of these signs are prescribed by the South African Road Traffic Signals Manual, as published in accordance with National Road Traffic legislation.
5. Signs in this class which had been erected by companies/institutions other than the municipality inside road reserves, must be replaced every 7 years at the cost of the advertiser, in terms of the requirements of the South African Road Traffic Act.

SCHEDULE 32
Functional advertising signs by public bodies (Class 4(d))
(Section 7(1)(d)(iv))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign is subject to deemed consent.
3. A sign may not exceed 0,55 square metre in size.
4. A larger sign may be displayed, if justified by specific circumstances.
5. A sign permitted by this class may be displayed inside a road reserve, but may not be displayed on a freeway.
6. No limitations are imposed on the colour or texture of a sign.
7. Subject to the provisions of sections 18(1), 19(4) and 22, illumination may be provided if there is a need for information or directions to be read during hours of darkness.
8. A sign may not be used for the purposes of commercial and competitive advertising.
9. The logo of the service provider must be displayed on a sign.

SCHEDULE 33
Aerial signs (Class 5(a))
(Section 7(1)(e)(i))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign is subject to specific consent.
3. Except with the written permission of the Commissioner of Civil Aviation, no -
 - (a) captive balloon;
 - (b) craft for parasailing;
 - (c) kite;
 - (d) hang-glider;
 - (e) model or radio-controlled aircraft; or
 - (f) aircraft towed behind a vehicle or vessel for the purpose of flight,may be flown at a height of more than 45 metres from the surface, the surface being measured from ground level, or from the surface on which a towing vehicle or vessel is travelling, to the top of the craft.
4. No shape or size restrictions are imposed.
5. Except with the written permission of the Commissioner of Civil Aviation, and on condition that such aircraft may not take off from or land on a public road, none of the objects specified in section 2(1) above may -
 - (a) be flown closer than five nautical miles from the aerodrome reference point of an aerodrome;
 - (b) be flown above a public road; and
 - (c) in the case of an aircraft, be towed behind a vehicle or vessel.
6. An advertisement on a captive balloon or on any other captive craft may not be displayed within the visual zone along a freeway.
7. No limitations are imposed on the colour or texture of a sign.
8. Illumination or animation of a sign is not allowed, with the exception of an illuminated airship when moored.
9. With the exception of a moored airship, a sign may be displayed in daylight hours only.
10. A sign may not be displayed for a period exceeding two consecutive weeks in a calendar year.
11. A captive balloon may not be flown without the written approval of the Commissioner of Civil Aviation, which approval will be considered by the Commissioner only after permission by the municipality has been granted.
12. No unmanned free balloon may be flown without the written permission of the Commissioner of Civil Aviation and the municipality.
13. A manned free balloon must meet the conditions laid down by the Commissioner of Civil Aviation before it may be flown within controlled airspace.
14. An airplane and airship may not be flown below the minimum height, as stipulated by aviation regulations, without permission by the Commissioner of Civil Aviation.

SCHEDULE 34
Vehicular advertising (Class 5(b))
(Section 7(1)(e)(ii))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign is subject to deemed consent.
3. No vehicle may be used for the sole purpose of advertising.
4. No animation is allowed.
5. Illumination of advertisements are limited to the following instances:
 - (a) An internally illuminated sign which indicates that a taxi is for hire; and
 - (b) a retroflective sign with the colour red to the back, the colour yellow to the side, and the colour white to the front of a vehicle.

SCHEDULE 35
Trailer Advertising (Class 5(c))
(Section 7(1)(e)(iii))

1. A trailer may be parked in an urban area of partial control and an urban area of minimum control only.
2. The parking of a trailer is subject to specific consent.
3. A trailer may not be towed on a freeway and may not be towed on any other urban road during peak-hour traffic, peak-hours being the hours between 07:15 and 08:15, and 16:15 and 17:30.
4. A trailer sign may not exceed an individual sign face area of 18m² and a combined sign face area of 36m². The vertical dimensions of a sign may not exceed 3 meters and the horizontal dimension may not exceed 6 meters.
5. Subject to item 18, a trailer sign positioned on a particular site for a period exceeding two consecutive days per month shall be deemed to be a billboard and shall be subject to the guidelines applicable to the signs contemplated in section 7(1)(c).
6. No animation is allowed.
7. Illumination is limited to retro-reflective signs with the colours red to the back, yellow to the side and white to the front of the trailer.
8. No person may tow any sign in this class for the sole purpose of advertising, meaning that an advertisement trailer may only be towed from the advertiser's property to the advertising site approved by the municipality and only before 07h00 and after 16h00.
9. A trailer may not be parked –
 - (a) inside a road reserve;
 - (b) within a distance of 50m outside the road reserve of a freeway;
 - (c) inside a restricted area at street corners; or
 - (d) in such a way as to block the visibility of a motorist,and general safety conditions contemplated in section 18 apply.
10. Trailer sites for parking of advertisement trailers aimed at road users must be approved by the Municipality.

11. (a) An advertiser may –
- (i) use a vacant site that had been approved by the Municipality as contemplated in subitem 10 and that had been suitably prepared; or
 - (ii) submit an application for the establishment of a new site.
- (b) An application submitted in terms of subitem 11(a) must include the following:
- (i) Detail information about the proposed site;
 - (ii) a scaled drawing of the site relative to passing roads and pedestrian space;
 - (iii) details of ownership;
 - (iv) mooring details; and
 - (v) such other details as the Municipality may require.
- (c) The application submitted in terms of subitem 11(a) must contain an EIA and the professional opinion of a registered traffic engineer about the acceptability of the site, which EIA must include visual, social and traffic safety aspects.
- (d) If the application submitted in terms of subitem 11(a) is approved, it shall be required of the applicant to –
- (i) pave the site;
 - (ii) provide a safe vehicular access; and
 - (iii) provide mooring anchors designed by a qualified civil engineer.
- (e) Additional measures must be implemented, where necessary, to prevent unauthorized access to the site or adjacent land.
- (f) Approval of a site on municipal or other form of public property does not give the applicant indefinite advertising rights on the site.
- (g) The normal advertising period applies, after which the applicant will have to tender against other advertisers for the advertising rights on the site.
- (h) Occupation of trailer sites is to be strictly controlled by the Mangaung Local Municipality or its appointed service provider.
12. (a) Only a trailer which has prior to parking been registered by the Municipality may be parked on demarcated or approved trailer sites.
- (b) All physical dimensions and attributes, the registration number, and VIN of the vehicle must be provided at registration, and these attributes may not be changed without the approval or knowledge of the municipality.
- (c) The trailer must be available for inspection at registration.
13. If not parked on an approved trailer site, an advertising trailer must be stored in such a way so as not to be visible from any public road or public place.
14. The provisions of section 21(1)(a) – 21(1)(d), and the following conditions apply to the position of a sign:
- (a) No more than one sign may be displayed per site;
 - (b) an advertisement consisting of a maximum of two boards must be displayed perpendicular to the direction of oncoming traffic;
 - (c) advertising trailer sites must be spaced at the following distances:

- (i) On a road with a speed limit above 80 kilometres per hour the distance between sites may not be less than 250 metres;
 - (ii) on a road with a speed limit between 61 kilometres per hour and 80 kilometres per hour the distance between sites may not be less than 200 metres; and
 - (iii) on a road with a speed limit below 61 kilometres per hour the distance between sites may not be less than 120 metres;
 - (d) no trailer site may be established within a radius of 100 metres from the centre of an intersection on an arterial road and within 50 metres from the centre of an intersection on ~~any~~ lower-order road.
15. A sign displayed in the vicinity of a signalised intersection may not contain the colours red, amber or green if such colours will constitute a road safety hazard.
16. A trailer advertising site may not be closer than 120m to advertisements in contemplated in section 7(1)(a).
17. Being regarded as a temporary type of advertising, a trailer advertisement may only display community based information such as events which are broadly cultural or of public interest, including entertainment events, exhibitions and trade fairs, or events which are of a sporting or religious in nature, but specific products, services and companies may not be advertised.
18. Approval of a trailer advertisement is valid for a maximum of 14 days.
19. The fee structure is based on an amount per day, with non-profit organisations entitled to such discount as determined by the Municipality.

SCHEDULE 36 (Section 5(1))

RURAL AND URBAN AREAS OF MAXIMUM CONTROL (Section 5(2)(a) and (b))

1. Land use zoning

A low density residential area, a medium density residential area, an agricultural area, a cemetery, and a public open space, such as, but not limited to, a natural open space, including a ridge, a natural watercourse, a nature reserve, an urban conservation zone, a park, a national monument, a heritage site, a gateway and an urban freeway are all classified as areas of maximum control.

2. Kinds of signs that may be displayed

- (1) Only a sign conveying an essential message may be displayed.
- (2) A sign contemplated in section 7(1)(a), being a Class 1 sign (*Billboards and other high-impact free-standing signs*), and a sign contemplated in section 7(1)(c)(xii), being a Class 3(l) sign (*Signs on towers, bridges and pylons*), may be displayed on an urban freeway where the responsible Roads Agency demonstrates that it has been satisfied that the effect on traffic safety is within acceptable norms, and an Environmental Impact Assessment must be furnished to the Municipality.
- (3) A sign contemplated in section 7(1)(d), being a Class 4 sign (*Signs for tourists and travellers*), may be displayed.
- (4) The following signs contemplated in section 7(1)(b), being Class 2 signs (*Posters and general signs*), may be displayed in residential suburbs:
 - (a) Large posters and signs on street furniture, as contemplated in section 7(1)(b)(i);
 - (b) temporary signs, as contemplated in section 7(1)(b)(iv); and
 - (c) street name advertisement signs, as contemplated in section 7(1)(b)(v).

3. Restrictions on display of advertising signs

The display of all kinds of signs, other than those specifically mentioned in Item 2 above, is forbidden.

URBAN AREAS OF PARTIAL CONTROL
(Section 5(2)(c))

1. Land use zoning

A medium density residential area in transition, a residential area where office and commercial encroachment is evident, a residential area with high-rise apartment blocks interspersed with shops and offices, a small commercial enclave in a suburban street, a suburban shopping centre and office park, a ribbon commercial development along a main street, an educational institution, a sports field stadium, and a commercialised square are all classified as urban areas of partial control.

2. Kinds of signs that may be displayed

- (1) A sign contemplated in section 7(1)(a)(iii), being a Class 1(c) sign (*Large billboards*), may be displayed, however, the size may not exceed 40m².
- (2) A sign contemplated in section 7(1)(a)(iv), being a Class 1(d) sign (*Small billboards and tower structures*), may be displayed.
- (3) A sign contemplated in section 7(1)(b), being a Class 2 sign (*Posters and general signs*), may be displayed.
- (4) A sign contemplated in section 7(1)(c), being a Class 3 sign (*Signs on buildings, structures and premises*), may be displayed.
- (5) A sign contemplated in section 7(1)(d), being a Class 4 sign (*Signs for tourists and travellers*), may be displayed.
- (6) A sign contemplated in section 7(1)(e), being a Class 5 sign (*Mobile signs*), may be displayed.

3. Restrictions on display of advertising signs

- (1) A sign contemplated in section 7(1)(a)(i), being a Class 1 sign (*Super billboards*), and a sign contemplated in section 7(a)(ii), being a Class 1(b) sign (*Custom-made billboards*) may not be displayed.
- (2) The restrictions on the display of a sign at a street corner as set out in Schedule 37 apply.

URBAN AREAS OF MINIMUM CONTROL
(Section 5(2)(d))

1. Land use zoning

A business, industrial, commercial, amusement and transport area such as, but not limited to, a commercial district, a central shopping centre, a central office precinct, an entertainment district and complex, an industrial area, and industrial park, and a prominent public transport node such as a railway station, a large bus station, a taxi rank, and an airport are areas classified as urban areas of minimum control.

2. Kinds of signs that may be displayed

A sign contemplated in section 7(1)(a) (*Billboards and other high-impact free-standing signs*), a sign contemplated in section 7(1)(b) (*Posters and general signs*), a sign contemplated in section 7(1)(c) (*Signs on buildings, structures and premises*), a sign contemplated in section 7(1)(d) (*Signs for tourists and travellers*) and a sign contemplated in section 7(1)(e) (*Mobile signs*) may be displayed.

3. Restrictions on display of advertising signs

- (1) A sign may not be displayed at a node of exceptional historical and architectural value.
- (2) The restrictions on the display of a sign at a street corner as set out in Schedule 37 apply.

AREAS OF MAXIMUM CONTROL IN WHICH ADVERTISING IS PROHIBITED.
(Section 5(2)(e))

No sign contemplated in section 7 be displayed in an area stipulated in Schedule 38.

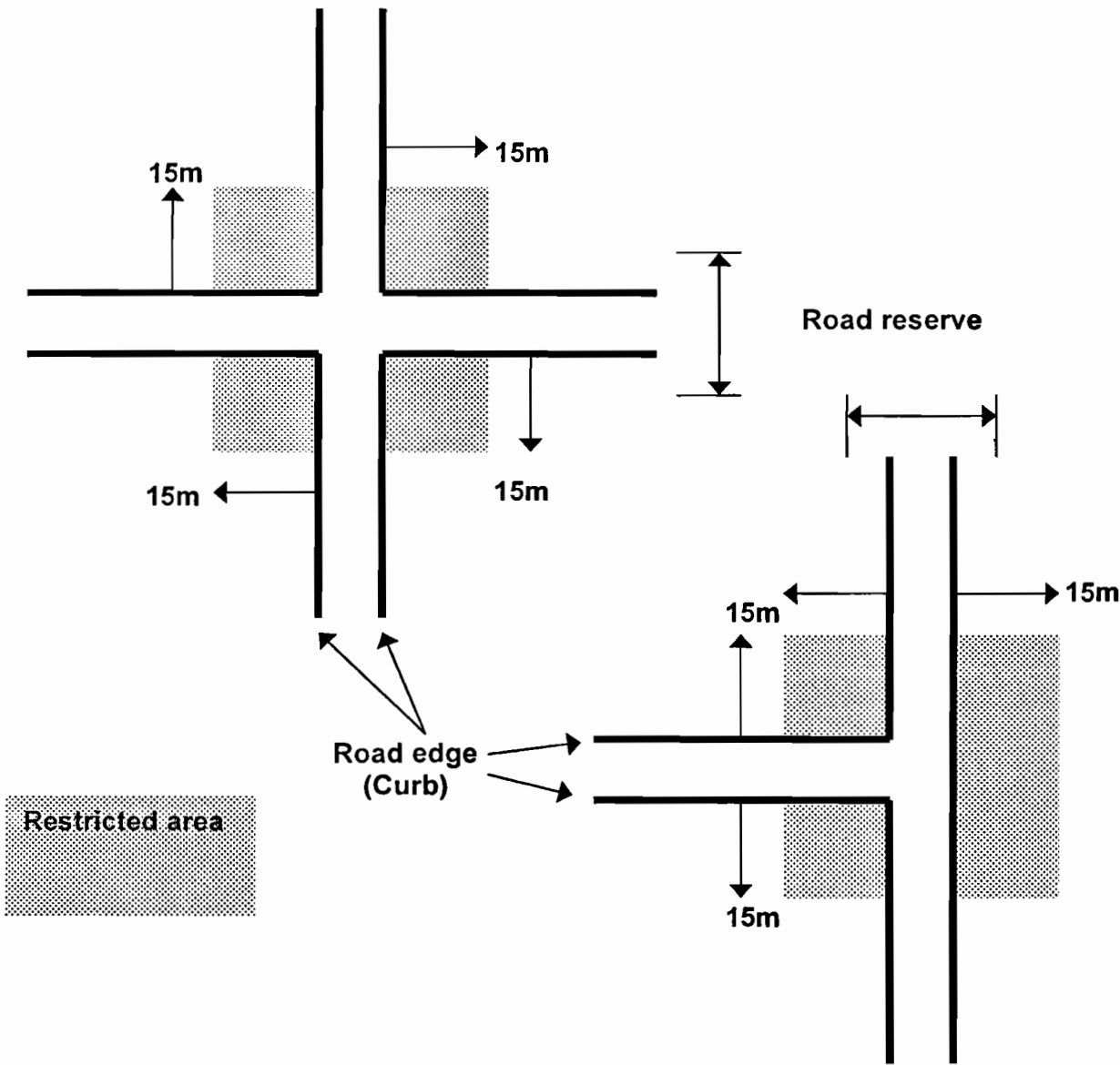


Figure 8: Restriction on signs at street corners

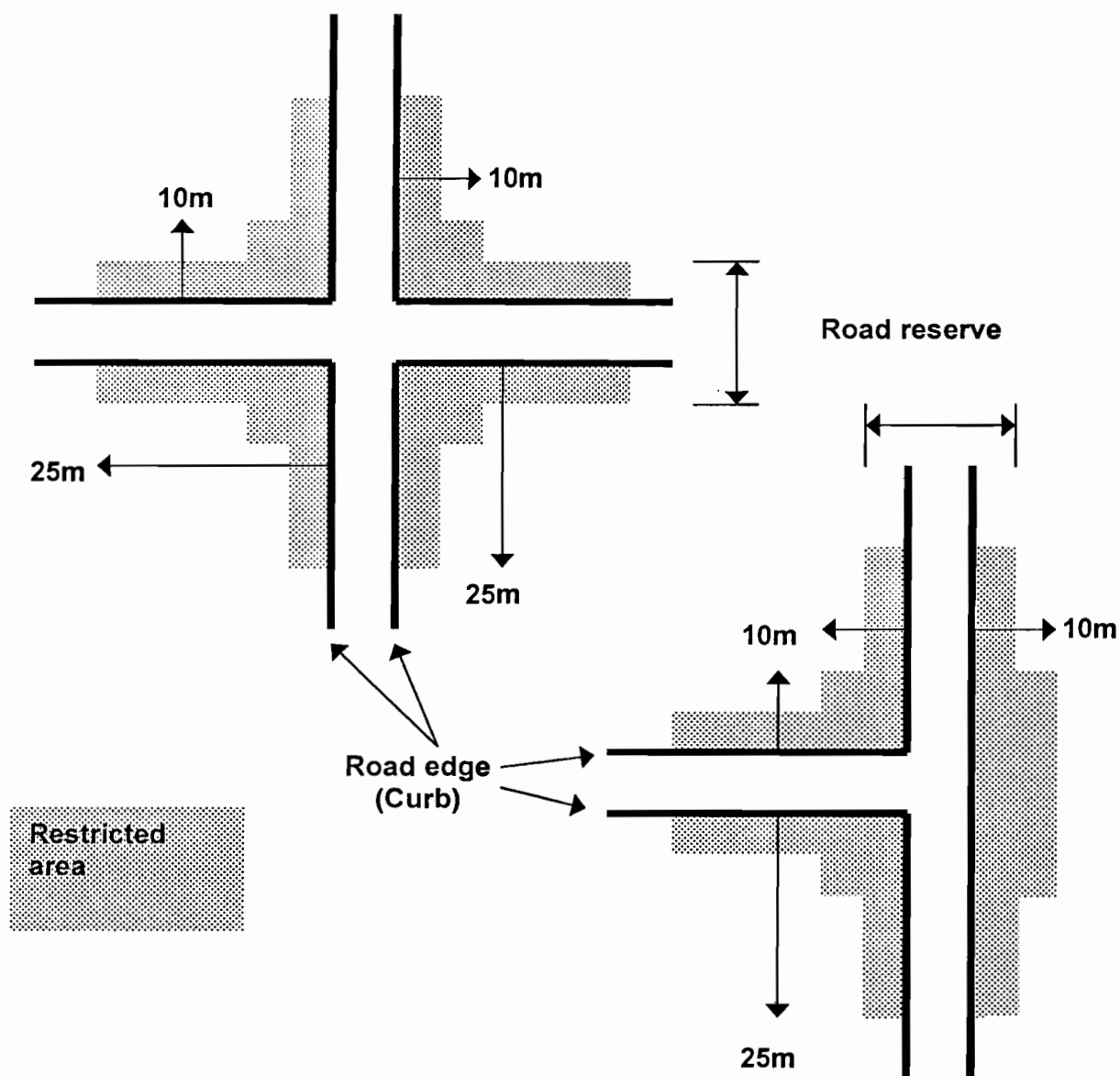
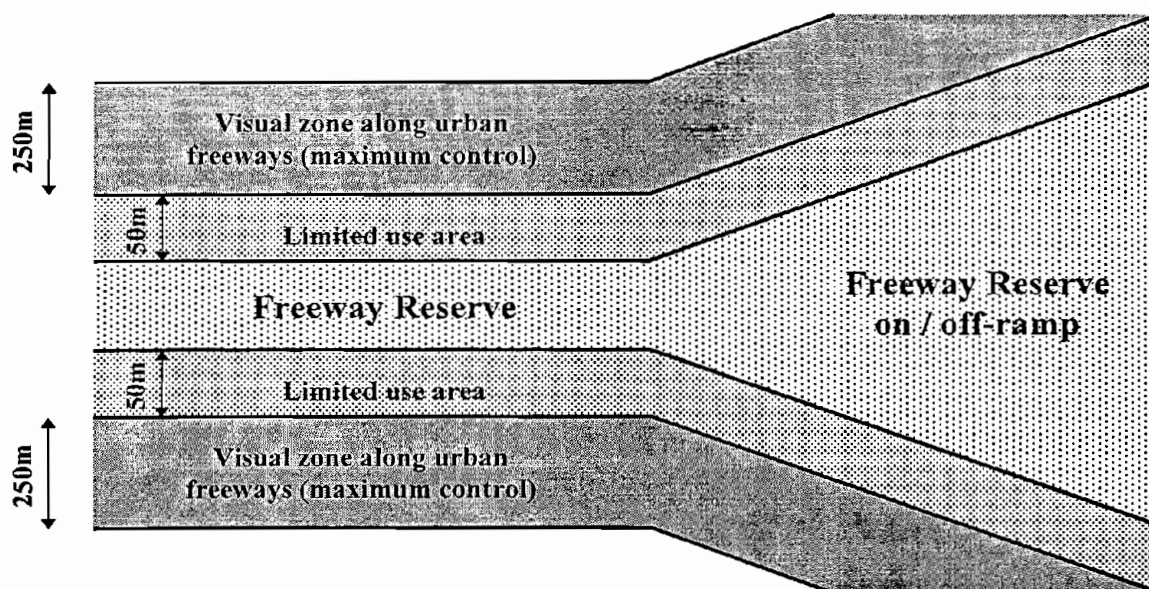


Figure 9: Additional restriction on illuminated signs at signalized street corners

SCHEDULE 37
(Section 7)

FIGURES ILLUSTRATING RESTRICTIONS ON ADVERTISING OPPORTUNITIES INSIDE AND ADJACENT TO ROAD RESERVES AT TRAFFIC INTERSECTIONS

Figure 7: Advertising Restrictions on Urban Freeways



SCHEDULE 38
Section 5(4)

AREAS IN WHICH THE DISPLAY OF SIGNS IS PROHIBITED

1. No sign may be displayed in the section of Kolbe Avenue and Curie Avenue road reserves, between Roth Avenue and the Megapark traffic signal.
 2. Advertising of any product, service or event or any goods of a commercial nature is prohibited in President Brand Street.
 3. All such areas that the Council may resolve on from time to time
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