

LIMPOPO PROVINCE
LIMPOPO PROVINSIE
XIFUNDZANKULU XA LIMPOPO
PROFENSE YA LIMPOPO
VUNDU LA LIMPOPO
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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 395 NOISE ABATEMENT AND PREVENTION OF NUISANCE BY-LAW

NOISE ABATEMENT AND PREVENTION OF NUISANCE BY-LAW

The Municipal Manager of the Bela-Bela Local Municipality hereby, in terms of section 13(a) in conjunction with section 75 (1) of the Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Noise Abatement and Prevention of Nuisance By-Law set out hereunder for the Bela-Bela Local Municipality, as approved by the Municipal Council.

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Definitions

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

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

"Erf" means any land, whether vacant, occupied or with buildings thereon;

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"Municipal Area" means the municipal area of the Municipality;

"Municipality" means the Bela-Bela Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 274 dated 5 September 2000;

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

"Public Nuisance" means any act, omission or condition which is offensive, which is injurious or dangerous to health, which materially interferes with the ordinary comfort, convenience, peace or quiet of the public or which adversely affects the safety of the public;

"Public Place" means any square, building, park, recreation ground or open space which:-

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

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

- (a) the verge or pavement of any such road, street or thoroughfare;

- (b) any bridge, ferry or drift traversed by any such road, street or thoroughfare, and

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- (c) any other work or object forming part of or connected with or belonging to such road, street or
(d) thoroughfare;

“Sidewalk” means that portion of a street between the outer boundary of the roadway and the boundary lines of adjacent properties or building which is intended for the use of pedestrians.

Enforcement

2. The Council may, whenever it regards it necessary to do so, enter any premises at any reasonable time to ensure compliance with this by-law.

Behaviour and conduct

3. Notwithstanding the provisions of any other by-law no person shall:
- (a) dump, accumulate or place or cause or permit to be dumped, accumulated or placed objectionable material in or on any erf, street, drain, water furrow, sewer, thoroughfare, public square or commonage except at such place or places as the council may from time to time set aside or approve for such purposes, provided however that the council may permit public garages, workshops and other trades, subject to such conditions as may be imposed in each case, to keep, store, repair, dismantle or re-assemble any motor vehicle or other vehicle or apparatus on premises approved by the council;
 - (b) do work on any erf or use any building or land for purposes calculated to depreciate or to disfigure such erf or to interfere with the convenience or comfort of the neighbours or to become a source of danger to any person should the council be of the opinion that this provision is being ignored, the council may instruct that such work or use be discontinued forthwith and that the previous condition be reinstated;

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- (c) carry on any trade, business or profession on any erf in the municipal area which may in the opinion of the council be a source or become a source of discomfort or annoyance to the neighbourhood;
- (d) deposit, leave, spill, drop or place any fruit or vegetable peels, broken bottles, glass, spoiled food stuffs, dog faeces, dung household refuse or any objectionable material or thing which is offensive or likely to cause annoyance, unhygienic situations, injuries to health, danger or injury to persons in or upon any erf, street or public place;
- (e) allow any erf to be overgrown with bush, weeds or grass or other vegetation except cultivated trees, shrubs and grass to such extent that, in the opinion of the council or any duly authorised employee of the council it may be used as a shelter by vagrants, wild animals or vermin or may threaten the public health or the safety of any member of the community or may promote the spread of fires;
- (f) allow any erf to be dirty, neglected or infested with rodents, snakes, mosquitoes, flies, ticks, bugs or other insects harmful to health, or allow any offensive odours or gasses to emanate from such erf;
- (g) allow the fencing of any erf to fall into a state of disrepair or to become unsightly or dilapidated;
- (h) allow any building or structure or any portion thereof on any erf to fall into a dilapidated, neglected or unsightly state, or fail to maintain the roof-water disposal system, pipes, sewers, drains, water fittings, waste water fittings, water closet fittings and all other fittings forming part of or attached to any building or structure in good and sound repair, or fail to maintain the walls of any building or structure free from dampness;
- (i) use or cause or permit to be used any stoep and/or verandah of any shop or business premises or vacant land adjoining such shop or business premises for the purpose of storing, stacking, dumping, disposing, displaying, keeping, selling or offering for sale any goods, articles or merchandise;

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- (j) use or cause or permit any shop or business premises or vacant land adjoining such shop or business premises or any portion thereof which is open or visible to the public for the purpose of storing, stacking, dumping, disposing, or keeping any waste material, refuse, cartons, crates, containers or other articles of a like nature;
- (k) enclose or cause or permit the enclosing of any stoep or verandah of any shop or business premises by means of movable or immovable structures, objections, articles or devices otherwise than by such means as the council may approve;
- (l) keep on his premises any animal or bird which creates a disturbance or a nuisance to the neighbours by making frequent and excessive noise;
- (m) deposit or keep or cause or suffer to be deposited or kept any night soil on any premises, except in a proper sanitary convenience approved by the council and in accordance with any by-law of the council;
- (n) keep or cause or suffer to be kept upon his premises any sanitary convenience of such nature that it is a nuisance or is offensive or injurious or dangerous to health;
- (o) befoul, misuse or damage any public convenience or any convenience provided in any public building or place of public entertainment;
- (p) carry or convey, or cause or permit to be carried or conveyed through or in any street or public place, any objectionable material or thing, liquid or solid, which is or may become offensive or dangerous or injurious to health, unless such objectionable material or thing is covered with a suitable material to prevent the creation of any nuisance;
- (q) bury or dispose of any dead body in any unauthorised place;

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- (r) permit the carcass or any animal, being his property or of which he is in charge, and which has died on his premises or elsewhere in the municipal area, to remain unburied;
- (s) cause or permit any stream, pool, ditch, drain, gutter, watercourse, sink, bath, cistern, water closet, privy or urinal on any land or premises owned or occupied by him or of which he is in charge to be or become so foul or in such a state or to be so situated or constructed as to be offensive or dangerous or injurious to health;
- (t) cause or permit any foul or polluted water or any foul liquid or objectionable material to run or flow from any premises owned or occupied by him, whether occupied for trade, business, manufacturing, dwelling or any other purpose, into any street or on any land;
- (u) commit or cause or permit to be committed, any act which may pollute any water which inhabitants of the municipality have the right to use or which is provided or deserved for the use of such inhabitants;
- (v) bathe or wash himself or any animal or article or clothing or any other article or thing in any public stream, pool or water trough or at any public hydrant or fountain or at any place which has not been set aside by the council for any purpose;
- (w) disturb the public peace in any street or public place by making unseemly noises or by shouting, insistent hooting, wrangling or quarrelling, or by collecting a crowd or by organizing any demonstration or by fighting or challenging to fight, or by striking with or brandishing or using in a threatening manner any stick or other weapon or by any other riotous, violent or unseemly behaviour at any time of the day or night, or by loitering in any street or public place or by gathering in crowds on pavements;
- (x) advertise wares or services in any street or public place by means of any megaphone, loudspeaker, or similar device or by insistent shouting, striking of gongs, blowing of horns or ringing of bells in such manner as to constitute a public nuisance in the neighbourhood;

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- (y) in or upon any property or premises disturb the public peace in the neighbourhood of such premises by making therein or thereon any unseemly noises, or by shouting, wrangling, quarrelling and singing or by playing therein or thereon a musical instrument or use or permit to be used any musical instruments, radios, type of cd players, television sets or the like or any loudspeaker or other device for the reproduction or amplification of sound, in such manner or at such a time or in such circumstances that the sound thereof is audible beyond the boundaries of such property or premises and materially interferes with the ordinary comfort, convenience, peace or quiet of the occupiers of surrounding properties;
- (z) in any street or public place use any abusive or threatening language or commit any act which may or is calculated to cause a breach of the peace;
 - (za) solicit alms in any street or public place or endeavour by the exposure of wounds, sores, injuries or deformities or the production of begging letters to obtain alms, or
 - (zb) cleanse or wash any vehicle or part in any street, sidewalk or public place.

Failure to comply with provisions

- 4. (1) Where any material, article or thing of whatsoever nature has been accumulated, dumped, stored or deposited on any erf, or where there is an overgrowth of bush, weeds, grass or vegetation on any erf in contravention of section 2(a), (d) and (e) the council may serve a notice on –
 - (a) the person directly or indirectly responsible for such accumulation, dumping, storing or depositing;
 - (b) the owner of such material, article or thing, whether or not he is responsible for such accumulation, dumping, storage or depositing;

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- (c) the owner of the erf on which such accumulation, dumping, storage or depositing takes place, whether or not he is responsible therefore, or
 - (d) the owner of the erf on which there is an overgrowth of bush, weeds, grass or vegetation, requiring such persons or owners to dispose of, destroy or remove such material, article or thing or to clear such overgrowth to the satisfaction of the council.
- (2) Should any person or owner fail to comply with the requirements of a notice in terms of subsection (1) within the period stipulated by the council, the council may itself dispose of or destroy or remove such material, article or thing, or clear the overgrowth from any erf at the cost of any one or more of the persons or owners mentioned in subsection (1)(a), (b), (c) and (d).
- (3) Where on any erf there is a contravention of section 2(f), (g), (h) and (t) the council may at its discretion serve a notice on either the owner or the occupier to abate the nuisance.

Sanitary facilities at construction sites

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

Unlawful occupation

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

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

Offences and Penalties

7. Any person who -

- (a) contravenes or fails to comply with any provision of this By-Law;
- (b) fails to comply with any notices issued in terms of this By-Law;
- (c) fails to comply with any lawful instruction given in terms of this By-Law; or
- (d) who obstructs or hinders any authorised representative of the Council in the execution of his or her duties under this By-Law – is guilty of an offence and liable on conviction to a fine not exceeding R1000,00 or in default of payment, to imprisonment for a period not exceeding six months, and in the case of a continuing offence a fine not exceeding R100,00 for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the person concerned, requesting the discontinuance of such offence, provided that no such fine shall in any prosecution or within any month exceed One Thousand Rand (R1000,00), or in default of payment liable on conviction to imprisonment for a period not exceeding six months.
- (e) a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as a result of such contravention or failure.

8 Short Title and Commencement

These By-law shall be called Noise Abatement and Prevention of Nuisance By-law 2008, and will come into operation on a date fixed by the Municipality by notice in a gazette.

LOCAL AUTHORITY NOTICE 396
Advertising Signs and Hoardings By-Law

Advertising Signs and Hoardings By-Law

The Municipal Manager of the Bela – Bela Local Municipality hereby, in terms of section 13(a) in conjunction with section 75 (1) of the Municipal Systems Act, 200 (Act No. 32 of 2000), publishes the By-Law relating Streets for the Bela-Bela Local Municipality set out hereunder as approved by the Bela-Bela Municipal Council.

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

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

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

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

NOW THEREFORE the following By-Law is adopted as the **Advertising Signs and Hoardings By-Law**, for the Bela-Bela Municipality

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1. DEFINITIONS

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

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

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

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

“Advertising structure” means any physical structure built to display advertising.

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

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

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

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

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

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

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

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

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

“Charge” means the appropriate monetary charge determined by the Council.

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

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

“Commercial Advertising” means any words, letters, logos, figures, symbols and pictures relating to the name of a business, a trade, a partnership or an individual or any information, recommendation or exhortation in respect of any particular goods manufactured or sold or any particular services rendered or offered.

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

“Council” means the Municipality or its successor(s) in-law or any officer employed by the Council or any committee designated by the Council, acting by virtue of a delegated authority vested in him/her or it by the Council in connection with this By-Law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Person” includes both natural and juristic persons.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ADVERTISING SIGNS AND HOARDINGS BY-LAW

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

- (1) No person shall display or erect any advertising sign or hoarding or use any advertising sign or hoarding or use any structure or device as an advertising sign or hoarding without first having obtained the written approval of the Council; provided that the provisions of this Clause shall not apply to signs contemplated in Clause 4,
- (2) No sign erected displayed with the approval of the Council shall in any way be altered, moved, re-erected nor shall any alteration be made to the electrical wiring system of such sign except for the purposes of renovating or maintenance, without the further approval of the Council in terms of sub-clause (1).
- (3) (a) An application in terms of sub-clause (1), accompanied by the required application fee, specified in the tariff of charges, as determined by Council and subject to Clause 40, shall be signed by the owner of the proposed advertising sign or hoarding and by the registered owner of the land or building on which the sign or advertising hoarding is to be erected or displayed, or on behalf of the owner of the land or building by his agent authorised in writing by such owner and shall be accompanied by:
- (i) a locality plan indicating the anticipated position of the sign within the area of the Bela-Bela Local Municipality. The Council may require the locality for signs in excess of 10 square metres to be indicated and described by an accurate G.P.S reading or an acceptable alternative.
 - (ii) a block plan of the site on which the advertising sign or hoarding is to be erected or displayed, drawn to a scale of not less than 1:500 showing every building on the site and the position with dimensions of the sign or advertising hoarding in relation to the boundaries of the site and the location of the streets and buildings on properties abutting the site;
 - (iii) a drawing sufficient to enable the Council to consider the appearance of the advertising sign or hoarding and all relevant construction detail;
 - (iv) a drawing showing the advertising sign or hoarding in relation to other similar type signage in the area in which it will be erected.

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- (b) Every such plan and drawing shall be clearly reproduced on an approved material in sheet form not less than A4 size (210mm x 297mm); and
- (c) A drawing required in terms of paragraph (a) (iii) shall show all details of the sign and shall be drawn to a scale of not less than 1:20 or other scale acceptable by Council.
- (d) The Council may require additional information in relation to the land on which the sign is to be erected, its use and impact.
- (4) If a sign is to be attached to or displayed on the façade of a building, the Council may require the submission of an additional drawing showing an elevation of the building in colour, the details and position of the proposed sign and the details and the position of every existing sign on the building drawn to a scale of not less than 1 : 100, or the Council may require a coloured print of or an artist's photographic or computer generated impression of the building with the details of the proposed sign superimposed on such graphic and draw as nearly as is practicable to the same scale as that of the graphic.
- (5) The Council may require the submission of additional drawings, calculations and other information and a certificate by a person defined in Clause 1 of the Engineering Profession of South Africa 1990 (Act No 114 of, 1990) as a certified engineer, engineering technician, professional engineer or professional technologist (engineering), in each case giving details to the Council's satisfaction, to enable it to establish the adequacy of the proposed means of securing, fixing or supporting any advertising sign, hoarding or screen referred to in Clause 13, to resist all loads and forces to which the advertising sign, hoarding or screen may be exposed and the sufficiency of the margin of safety against failure, in compliance with the provisions of Regulation of the National Building Regulations published under Government Gazette No. 9613, dated 1 March 1985.
- (6) In considering an application submitted in terms of sub-clause (1), the Council may, in addition to any other relevant factors, have due regard to the following:

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- (a) No advertising sign or hoarding or copy should be so designed or displayed that:
- (i) it will be detrimental to the environment or to the amenity of the neighbourhood by reason of size, intensity of illumination, quality of design or materials or for any other reason;
 - (ii) it will constitute a danger to any person or property;
 - (iii) it will display any material which in the opinion of the Council is indecent, suggestive of indecency, prejudicial to public morals or objectionable;
 - (iv) it will obliterate any other signs;
 - (v) it will in the opinion of the Council be unsightly or detrimentally impact upon a sound architectural design;
 - (vi) it will in any way impair the visibility of any road traffic sign or affect the safety of motorists or pedestrians,
- (b) The size and location of a proposed advertising sign or hoarding and its alignment in relation to any existing advertising sign or hoarding or the same building or erf and its compatibility with the visual character of the area surrounding it.
- (c) The number of signs displayed or to be displayed on the erf concerned and its legibility in the circumstances in which it is seen;
- (d) The sign, if not appropriate to the type of activity on or zoning of the erf or site to which it pertains should be considered on its merits in terms of the control measures of the Council's Outdoor Advertising Signage Policy and Code of Practice and the S.A.M.O.A.C. guidelines.
- (7) The Council, subject to Clause 41, may refuse any application submitted in terms of sub-clause (1) or grant its approval subject to any amendment and/or condition which it may deem expedient, including a condition that the owner of any advertising sign or hoarding or the owner of the land or building on which such advertising sign or hoarding is to be erected and displayed, or both such owners, indemnify the Council to its satisfaction against any consequences flowing from the erection, display or mere presence of such advertising sign or hoarding.
- (8) The Council shall without delay and in writing notify the applicant, an objector or any person who has made representations, of its decision taken by virtue of sub-clause (7)

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- (9) Every application, plan, drawing and other document submitted in terms of this Clause shall on approval be retained by the Council for its records.
- (10) Any sign or advertising hoarding for which approval has been granted in terms of sub-clause (7), shall be erected and displayed in accordance with any plan, drawing or other document approved by the Council and any condition imposed in terms of that sub-clause; the Council shall be notified once any approved advertising sign or hoarding has been erected.
- (11) Notwithstanding anything contained in this By-Law, any advertising sign or hoarding which complies to the Council's satisfaction, with the considerations referred to in sub-clause (6)(1), may be approved by the Council.
- (12) Notwithstanding anything contained in this By-Law, this By-Law is to be applied to the Land Use Zone as set out in the enforceable Town Planning Scheme/Land Use Management Scheme for the area of jurisdiction of the Municipality.
- (13) Advertising signs and hoardings approved in terms of Clause 2(7) will conform to the design requirements set out in Clause 28,

3. WITHDRAWALS OR AMENDMENT OF COUNCIL'S APPROVAL

- (1) The Council may, at any time, withdraw an approval granted in terms of Clause 2(7) or amend any condition or impose a further condition in respect of such approval, if in the opinion of the Council an advertising sign or hoarding;
- (a) Will be or become detrimental to the environment or the amenity of the neighbourhood by reason of size, intensity of illumination, quality of design or materials or for any other reason;
 - (b) Will constitute or become a danger to any persons or property;
 - (c) Will obliterate other signs, natural features, architectural features or visual line of civic or historical interest.
- (2) Should an approved advertising sign or hoarding not be erected within six (6) months from approval or within a time specified in the approval granted, the approval will lapse.

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

4. EXEMPT SIGNS

- (1) The following signs shall be exempt from the provisions of Clause 2 but shall comply with all other provisions of this By-Law save for signs contemplated in (a) and 9b) which need not so comply:
- (a) any sign displayed in an arcade;
 - (b) any sign displayed inside a building;
 - (c) any sign displayed on an approved advertising hoarding;
 - (d) any sign advertising a current event in a cinema, theatre or other place of public entertainment, displayed in a fixture or building especially made for such display;
 - (e) any sign not exceeding the sizes specified hereunder, which is displayed on a site where a building, swimming pool, tennis court, paving, fencing or garden landscaping or any other structure is in the course of being constructed, erected, carried out or altered and which describes the building or structure being erected or other work or activity being carried out, and which displays the names of the contractors or consultants concerned in such work or activity and identifies the branches of the industry or the professions represented by them, during the course of such construction, erection, carrying out of alterations as the case may be: Provided that only one such sign, or set of signs shall be permitted per street frontage of a site; and which is placed on or affixed to the building concerned or attached parallel on the boundary fence of the erf on which the building is situated. Such signs are to be removed within 21 days of the completion of the contract. Signage for ongoing maintenance contracts is not permitted;
 - (i) Project boards, 6m² and with a maximum erected height of 6m, giving the names of Architects, Consultants and Contractors;
 - (ii) Individual Contractors and Sub-Contractor's Board: 2m²:
 - (f) any sign, other than a sign provided for in paragraph (e), not exceeding 12m², and not exceeding a maximum erected height of 6m, which portrays or describes the type of development being carried out on a site and which gives details of the type of accommodation being provided, floor space available, the name, address and telephone number of the developer or his agent, erected during construction

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work or the carrying out of alterations or additions as the case may be and remaining for a period not exceeding 2 months after the completion of such work;

- (g) a sign on a street frontage of a building occupied by shops, showrooms or other business uses as defined in the relevant Town Planning Scheme/Land Use Management Scheme, other than a sign in an office park area, which is below the level of the ground floor ceiling and which is displayed on or fixed to the face of a building or suspended from the suffix of a canopy or verandah roof;
 - (h) a sign consisting of a 600mm x 450mm metal plate or board permitted in terms of Clause 14;
 - (i) any flag hoisted on a suitable flag pole which displays only a company name and motif. A maximum of 5 flag poles of 7m in height is permitted unless specific permission has been applied for as contemplated in terms of Clause 2 for more than 5 flag poles;
 - (j) any sign in a locality wholly or mainly used for residential purposes, other than a brass plate or board not exceeding 600mm x 450mm in size, affixed indicating the name, address and telephone number of a security company contracted to protect the property, provided that only one sign per stand or subdivision shall be permitted and such sign shall be firmly affixed to the boundary wall, fence or gates on the street frontage;
 - (k) one sign not exceeding 600mm x 450mm in size on each street boundary of an erf or portion of an erf which sign indicates the existence of a commercial security service, burglar alarm system etc.
- (l) a sign not exceeding 2m², indicating the existence of a Block or Neighbourhood Watch System, displayed on a boundary wall or fence or in a position approved by the Council. If erected on its own pole(s), the minimum underside clearance of the sign above the pavement must be 2.1m.
- (2) The owner of the building or property on which a sign contemplated in sub-clause (1) (g) is displayed, shall indemnify the Council against any consequences flowing from the erection, display or mere presence of the sign.

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- (3) Any sign which does not comply with the provisions of this By-Law and which was lawfully displayed on the day immediately preceding the date of commencement of this By-Law shall be exempt from the requirements of this By-Law if the sign in the opinion of the Council is properly maintained and is not altered, moved or re-erected as contemplated in Clause 2(2).
- (4) Road traffic signs erected in terms of any Act of Parliament, Provincial Ordinance or By-Law are exempt from the provisions of this By-Law.
- (5) Any sign erected as a specific requirement in terms of any By-Law, Provincial Ordinance or Act of Parliament is exempt from this By-Law.
- (6) Any transit sign, which is mobile at all times and complies with all requirements of the Road Traffic Act is exempt from This By-Law.
- (7) Any signs erected in terms of the Council's Town Branding agreement/s are exempt from this By-Law but are subject to terms and conditions of said agreement/s.

5. PROHIBITED SIGNS

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

- (1) Any sign painted on the roof of a building or painted on, attached to, or fixed between the columns or posts of a veranda.
- (2)
 - (a) any sign which projects above or below any fascia, bearer, beam or balustrade of a street verandah or balcony;
 - (b) any luminous or illuminated sign which is fixed to any fascia, bearer, beam or balustrade of any splayed or rounded corner of a street verandah or balcony.
- (3) Any sign suspended across a street unless otherwise approved by Council.
- (4) Any sign on calico, paper mache, plastic, woven or similar material or of any kind whatsoever, except those provided for in terms of Clause 20 or unless consisting of flex face within an approved advertising sign.

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- (5) Any swinging sign, which is a sign not rigidly and permanently fixed.
- (6) Any sign which may either obscure a road traffic sign, be mistaken for with or interfere with the functioning of a road traffic sign.
- (7) Any sign which may obscure traffic by restricting motorists' vision and lines of sight thus endangering motorists' safety.
- (8) Any sign which is indecent or suggestive of indecency, prejudicial to public morals or is reasonably objectionable.
- (9) Any sign which will obstruct any window or opening provided for the ventilation of a building or which obstructs any stairway or doorway or other means of exit from a building or which will prevent the movement of persons from one part of a roof to another part thereof.
- (10) Any animated or flashing sign the frequency of the animations or flashes or other intermittent alternations of which disturbs the residents or occupants of any building or is a source of nuisance to the public or impairs road traffic safety.
- (11) Any illuminated sign, the level of illumination of which unreasonably disturbs the residents or occupants of any building or is a source of nuisance to the public.
- (12) Any movable temporary or permanent sign other than those specifically provided for in this By-Law.
- (13) Any sign referring to a price or change in price of merchandise except in a shop window, or on the article itself.
- (14) Any advertisement or sign other than an exempted sign, for which neither a permit nor approval has been obtained.
- (15) Any poster otherwise than on a hoarding legally erected for the purpose of accommodating such poster.

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- (16) Any sign or signs, the total area of which exceeds 30m², painted or fixed on a wall of a building not being a front wall of such building
- (17) Any sign painted on any fence or boundary wall, not being an approved sign or hoarding.
- (18) Any sign which does not comply with the requirements of or which is not permitted by this By-Law.
- (19) Any sign which may obstruct pedestrian or vehicular traffic.
- (20) Any form of fly posting on private or Council, property or assets.
- (21) Any transit advertising sign that is parked irrespective of whether it is attached to a vehicle or not.
- (22) Any poster or sign attached to a tree.
- (23) Any poster attached or pasted to a bridge.
- (24) Any temporary sign for commercial or third-party advertising erected on Council land or land vested in the Council.
- (25) Any sign attached to a bridge or any other Council asset, unless by prior signed agreement or contract with the Council.
- (26) Any third party advertising sign on any property zoned "Residential" in terms of the relevant Town Planning Scheme/Land Use Management Scheme whether secondary rights or not have been granted by Council and which are exercised on the erf.
- (27) Any sign or poster attached to a Road Traffic Sign.

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6. SIGNS SUSPENDED UNDER VERANDAHS OR CANOPIES

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

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

7. SIGNS ON VERANDAHS AND CANOPIES OVER STREET

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

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- (ii) not exceed 1.2m in height.
- (b) nothing in this Clause contained shall be taken to prohibit the painting of signs not exceed 600mm in depth on beams over verandah columns, or on parapets of verandahs;
- (c) no illuminated sign or sign designed to reflect light, shall be attached to or displayed on any splayed or rounded corner of a verandah or canopy at a street intersection.

8. PROJECTING SIGNS

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

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- (f) such sign shall not exceed 9m in height or 1.5m total projection from the building, or in the case of a sign consisting only of the name of a central public entertainment building, 14m in height and 1.8m in total projection from the building: Provided that this paragraph shall not apply to any sign which has been erected prior to the date of the publication hereof;
- (g) the sign shall be supported, by at least four iron brackets properly fixed to the building, any two of which shall be capable of carrying the whole mass of the sign, together with wind pressure against which pressure the sign shall be satisfactorily braced and stayed;
- (h) upon receipt of a notification by the Council under the hand of the Building Control Officer that such sign is unsafe, it shall be removed forthwith by the applicant without any compensation by the Council whatsoever;
- (i) the owner of such sign shall sign a form declaring himself to accept, and be bound by, the above conditions.

9. PYLON SIGNS

- (1) For the purposes of this Clause the word "pylon" includes any pylon, mast, tower or similar structure to which a sign is attached, supported, displayed or which is constructed as a sign.
- (2) Every pylon shall be independently supported and for that purpose be properly secured to an adequate foundation in the ground and be entirely self supporting without the aid of guys, stays, brackets or other restraining devices.
- (3) The dimensions of a pylon and its associated pylon sign shall be such that the entire assembly, whether stationary or actuated, can be contained wholly within a notional vertical cylindrical figure having a diameter of 9m and a height of 12m. or such dimensions as the Council may require.
- (4) No activated or protruding part of a pylon sign shall be less than 2.4m above the highest point of the existing ground level immediately below such pylon or sign or such other height as the Council may require.

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10. SIGNS INDICATING THE DEVELOPMENT OF A TOWNSHIP OR PROPERTY

- (1) No sign referring to the laying out or development of any land as a township or to the disposal of any erven in a township or a property development shall be erected prior to the land-use rights being promulgated.
- (2) No sign referring to the laying out or development of any land as a township or to the disposal of any erven in a township or a property development shall exceed 12m², with a maximum erected height of 6m.
- (3) Any approval granted in respect of such a sign in terms of Clause 2, shall lapse after the expiry of one year after the date of such approval, unless an extension has been granted by the Council
- (4) The sign must be located on the site of the proposed township or property development.
- (5) The Council may approve a larger sign or hoarding for a particular development after taking into consideration the size of the development which must be 5ha or larger on condition that approval shall lapse after the expiry of one year after the date of such approval.
- (6) All signs must be removed within three months of a development being completed or occupied.

11. SIGNS FLAT ON BUILDINGS

- (1) The total area of any sign placed flat on the front of a building facing a street shall not exceed 20m² for every 15m of building frontage to the street which such sign faces with a maximum area of 200m².
- (2) The maximum projection of a sign referred to in sub-clause (1) over the footway or ground level shall be 75mm where such sign is less than 2,4m above the sidewalk or ground level immediately below such sign and 230mm where such sign is more than 2,4m above such footway or ground level

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- (3) Signs placed flat on a wall of a building not being a wall contemplated in sub-clause (1), shall not exceed 20m² in total area, unless located in a commercial or industrial zone.
- (4) Notwithstanding the provisions of sub-clause (1) and (3), the Council may where it considers it desirable in the interests of the aesthetic appearance of the building/wall on which the sign is placed or of the neighbourhood of such building / wall, permit or require the dimensions of any such sign to be greater than those prescribed.

12. REQUIREMENTS FOR SKY SIGNS

- (1) Two or more sky signs placed one above the other, whether or not in the same vertical plane shall, for the purposes of, this Clause, be deemed to be one sign.
- (2) If the number of storeys contained in that part of a building which is directly below a sky sign as set out in column 1 of the following table, the maximum vertical dimension of such is recommended not to exceed the dimension specified opposite such number in column 2 of that table:

Number of Storeys Below Sign	Maximum Vertical Dimension
One or two storeys	1.5m
Three of four storeys	2.0m

- (5) A sky sign with dimensions other than the above table will not be permitted.

13. SCREENS FOR SKY SIGNS

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

- (a) (i) Subject to the provisions of subparagraph (ii), every screen shall be so arranged and constructed as to form a continuous enclosure effectively concealing the frame and the structural components of the sky sign and the screen from view and, if the Council so requires, from adjacent or neighbouring properties;

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- (ii) if, in the opinion of the Council, the walls of any contiguous buildings are of such height and construction that they will effectively conceal and do not contain openings overlooking the frame and structural components referred to in subparagraph (i), the Council may, subject to any condition it deems expedient, relax the requirement of that subparagraph requiring the provision of a continuous enclosure;

- (b) No part of the screen shall protrude beyond the perimeter of the building on which it is constructed;

- (c) the gap between the bottom of the screen and that part of the building immediately below it shall not exceed 100mm;

- (d) the vertical dimension of every such screen shall not exceed one-and-one half times the vertical dimension of the sky sign as contemplated in Clause 12(4): Provided that if the screen also encloses a lift motor room, tank or other structure on the roof of the building, the vertical dimension of the screen may be increased to the same height as such room, tank or structure;

- (e) if the material of which the screen is made has an open mesh or grid formation, the openings in such mesh or grid shall be uniform, the aggregate area of the openings shall not exceed 25% of the area of the screen and no dimension of any such opening shall exceed 100mm: Provided that the Council may allow the erection of a screen of louvre design if it will ensure the effective concealment as required in terms of paragraph (a)(i)

14. SIGNS ON BUILDINGS USED FOR RESIDENTIAL PURPOSES

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

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- (2) A sign contemplated in sub-clause (1) shall:
- (a) be fixed to or build into one or more walls of the building or a freestanding wall or boundary wall of the property;
 - (b) not be internally illuminated;
 - (c) be limited to one each of the signs referred to in that sub-clause per street frontage of the property concerned.
- (3) A sign consisting of a 600mm x 450mm metal plate or board indicating the name and profession or occupation of the occupant may be affixed to the boundary wall or fence, or the entrance door of a dwelling house or dwelling unit, or to a wall in the entrance of a building used for residential purposes.
- (4) Where a business or profession is conducted from a property in a predominantly residential area by consent of the Council, or in terms of an Amendment Scheme (rezoning) a sign not exceeding 2m², advising the public as to the nature of the business or profession conducted on the premises, may be erected as an element of a street-facing boundary wall. Any sign so erected shall form an aesthetically integral portion of the architecture of either the street-, facing boundary wall or a substantial architecture element designed to the satisfaction of the Council on the boundary of the property in question. The sign so erected shall not, in the opinion of the Council, detract from the residential character of the neighbourhood or have a negative impact on the market value of adjacent residential properties.

15. SIGNS ON AWNINGS

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

16. SUN-BLINDS

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

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

17. SIGNS NOT TO BE FIXED TO VERANDAH COLUMNS

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

18. SIGNS REGARDED AS TENANCY AT WILL

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

19. ADVERTISEMENTS ON BANNERS OR SIMILAR ITEMS

- (1) Subject to the provisions of Clause 4(1) and sub-clause (2) no advertisement shall be displayed on any banner, streamer, flag, paper mache, plastic sheet or other similar pliable material or on calico or other woven material, without the written permission of the Council, subject to such conditions as the Council may deem expedient.
- (2) Permission in terms of sub-clause (1) shall only be granted for an advertisement relating to a function or event conducted for religious, educational, social welfare, animal welfare, sporting, civic or cultural purposes or to a function or event relating to a Local Government, Provincial or National election or referendum.

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- (3) Every application for permission in terms of sub-clause (1) shall be in terms of the tariff of charges as determined by Council in respect of each advertisement to which the application relates.
- (4) The Council or its authorised agent may, without notice, remove and destroy any advertisement contemplated in sub-clause (1) which is displayed in contravention of this Clause.
- (5) Every person to whom permission has been granted in terms of sub-clause (1) shall ensure that the following requirements are complied with:
 - (a) not more than five advertisements shall be displayed in respect of one function or event and with no more than one advertisement per street front;
 - (b) every advertisement shall be attached to or suspended between poles or other supports on the site on which the function or event is to be held;
 - (c) every advertisement shall be so attached so as not to interfere with, or constitute a danger to passing vehicular or pedestrian traffic;
 - (d) no advertisement shall be displayed for more than one week before the date of the function or event advertised nor shall any such advertisement be permitted to remain in position for more than three days after the conclusion of such function or event
- (6) No banner approved in terms of this Clause may be larger than 6m².

20. ADVERTISEMENTS ON BALLOONS

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

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

21. PAINTED ADVERTISEMENTS

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

22. TEMPORARY SIGNS AND ADVERTISING ON PRIVATE PROPERTY

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

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- (b) any one sign per street frontage not exceeding 60mm x 450mm in size, which contains only the word "Sold" in respect of any dwelling house, or residential building, and which:
- (i) is displayed only after all signs referred to in paragraph (a) have been removed;
 - (ii) is placed on or fixed to the building concerned, or is attached to a boundary fence of the erf on which the building is situated or is otherwise displayed within the boundaries of such erf;
- (c) any sign not exceeding 6m² fixed flat on the façade of a non-residential building which contains only the words "For Sale" or "To Let" and the name, address and telephone number for the selling or letting agent, or only the lettering for the word "Sold" with a maximum of one sign per building for a period not exceeding three months.
- (d) any sign not exceeding 60mm x 450mm in size, displayed on a vacant residential erf and which displays only the words "For Sale" and the name, address and telephone number of the owner or his agent, or only the word "Sold". Such signs shall be limited to one sign per agency with a maximum of three agencies per erf for a maximum period of two months;
- (e) any sign not exceeding 6m² in size on a vacant non-residential erf and which displays only the words "For Sale" or "To Let" and the name, address and telephone number of the owner or his agent or only the word "Sold" and no other wording whatsoever with only one sign per erf for a maximum period of three months.
- (f) any directional sign displayed by the Automobile Association of Southern Africa or any other approved body advertising a particular event.
- (2) Any sign, or banner not exceeding 4m² and not more than 3m above the ground, containing letters, figures, advertising emblems or devices, not exceeding 150mm in height, relating solely to an entertainment, meeting, auction or a sale to be held upon or in relation to a certain site, may be displayed upon such site: provided that such sign or banner shall not be displayed for more than one week before the function or event, the date of which must be displayed on the sign or banner, nor remain in position for more than three days after the conclusion of the function or event,

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

23. SIGNS OVER STREETS

- (1) Every person owning, displaying or causing to be displayed a sign which, or any part of which, overhangs, on any street shall, on being instructed by notice in writing by the Council to do so, remove it within twenty four hours from the date of such instruction or within such longer period specified in such notice without payment of any compensation.
- (2) In the event of non-compliance with an instruction in terms of sub-clause (1), the Council may itself remove the sign concerned and may recover the cost thereof from the person or persons, jointly and severally, to whom a notice in terms of sub-clause (1) was addressed and such persons shall not be entitled to any compensation.

24. BILLBOARDS

- (1) Any billboard displayed may not:
- (a) be in conflict with applicable National Legislation, or local By-Laws;
 - (b) be detrimental to the nature or the environment in which it is located by reason of abnormal size, intensity of illumination or design;
 - (c) be in its content objectionable, indecent or insensitive to any Clause of the public or to any religious or cultural groupings or the like;
 - (d) unreasonably obscure partially or wholly any sign previously erected and legally displayed;
 - (e) constitute a danger to any person or property.
 - (f) encroach the boundary line of the property on which it is erected.
 - (g) in conflict with the Council's Town Branding agreements with third parties.
- (2) Spacing of billboards shall be at the discretion of the Council having regard to safety, aesthetics, environmental, local area frameworks and other considerations.

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- (3) Billboards in rural areas shall be erected in such a way as not to obstruct one another, be of even height wherever possible and evenly spaced.
- (4) Where, in the opinion of the Council, a sign alley has been created the spacing of billboards shall be at the discretion of the Council.
- (5) Safety conditions:

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

- (a) Billboards on premises next/adjacent to signalized intersections -
 - (i) they shall not have as main colours, red, amber, green and the advertising sign to be well clear of the signal heads;
 - (ii) they shall not obscure or interfere with any road traffic light or sign;
- (b) Illumination -

Illumination of billboards is permitted provided such illumination does not constitute a road safety hazard or cause undue disturbance.
- (c) Erection and servicing on public roads -

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

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

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- (7) Site identification -
Sign owner's name or logo must be clearly displayed.

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

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

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

25. TRANSIT SIGNS

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

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

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

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

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

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

26. POSTERS

- (1) (a) No person shall in, or in view of, any street display or cause or allow it to be displayed any poster unless he has first obtained the written permission of the Council;
- (b) No permission shall be given for the display of any poster concerning any commercial undertaking or activity or concerning any activity which, in the opinion of the Council, is primarily or mainly of a commercial character.
- (2) Every application for permission required in terms of sub-clause (1) shall be accompanied by an application fee or a deposit as determined by Council, and written details of the townships and streets in which the posters are to be displayed and all the posters to which the application relates: Provided that for National, Provincial or Municipal elections only one poster need be submitted and an application fee paid by each candidate as determined by Council Provided that for National, Provincial or Municipal referendums only one poster need be submitted and an application fee paid by each registered political party as determined by Council.
- (a) every poster for which permission is granted in terms of sub-clause (1) shall be provided with a Council sticker and only posters with the Municipality stickers affixed or approved Municipality's markings shall be displayed,
- (b) the Council shall be entitled to retain one such poster for identification purposes.
- (3) Any person who displays or causes or allows to be displayed in or in view of a street, a poster, for which permission has been granted in terms of sub-clause (1), shall ensure that the following requirements are complied with
- (a) no poster shall be so displayed that any part of it is lower than 2.1m or higher than 3m above the sidewalk or ground level immediately below it;
- (b) no poster displayed by any person shall be indecent, or suggestive of indecency, prejudicial to public morals or reasonably objectionable;

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- (c) no poster shall be displayed on motorways including on and off-ramp;
- (d) every poster other than a parliamentary, provincial or municipal election or referendum poster shall be displayed in a permanent frame or other approved backing, of a design and in a predetermined location approved by the Council. The maximum size for frames shall not exceed:
Advertising posters 900mm high x 600mm wide; (A1 size)
Press posters 600mm high x 450mm wide. (A2 size)
- (e) every parliamentary, provincial or municipal election or referendum poster shall be attached to a board made of wood, hardboard, correx or other approved weatherproof material, in such a manner that it will not become wholly or partially dislodged by wind or rain, and neither the board nor poster shall exceed 900mm high x 600mm wide or less than 600mm high x 450mm wide, and secured only to an electric light standard erected by the Council or the State in a street or public place: Provided that such board is secured to such light standard by means of stout string or plastic ties only (no securing material with a metal content is permitted);
- (f) the 'frame' referred to in paragraph (d) shall not be placed on or against or attached to or otherwise supported by any transformer box, telegraph pole, tree, road traffic sign or other sign or object with the exception of an electric light standard erected by the Council or the State in a street or public place, provided such frame is secured to such light standard in such a manner (to the approval of the Council) that it will not become or wholly or partially dislodged by wind or an other means, and position in such a manner that it does not obscure or interfere with the electrical inspection chamber or pole identification number or impair the safety of motorists or pedestrians, maximum of 2 frames per pole. No frame shall be erected within 10m of a traffic signal.
- (g) no poster relating to a meeting, function or event, other than a National, Provincial or Municipal election or referendum shall be displayed for longer than ten days before the date on which such meeting, function or event begins or longer than four days after the date on which it ends;

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- (h) no poster relating to a parliamentary, provincial or municipal election or to a specific candidate in such election or a poster relating to a referendum shall be displayed for longer than the period extending from the beginning of either the date, of nomination or the date of proclamation in the Government Gazette declaring that a referendum is to be held, as the case may be, to the end of the tenth day after the date of such election or referendum: Provided that posters not relating to a specific candidate may also be displayed for a period no longer than that extending from a date fourteen days prior to either nomination day or the date of proclamation in the Government Gazette declaring a referendum is to be held, as the case may be, to the end of the fifth day after the date of such election;
- (i) subject to the discretion of the Council, not more than 2000 posters shall be displayed at any one time in relation to any meeting, function or event, other than a National, Provincial or Municipal election or referendum or a meeting relating to an election or referendum;
- (j) in respect of each candidate not more than 1000 posters or other advertisements shall be exhibited any one time in any municipal ward or as otherwise directed by Council; in respect of a referendum not more than 5000 posters or other advertisements per registered political party shall be so exhibited in the municipal area
- (k) the details of the event, the commencement and final date of the event and the venue with address where it is to be held must appear on the posters in letters not less than 50mm in height and 10mm in thickness, with all other information pertinent to the event in letters not less than 30mm in height and 5mm in thickness;
- (l) the commercial content of the poster may not exceed 20% of the area of the poster nor may such commercial lettering be larger than the main lettering in the remainder of the poster;
- (m) the posters may not have a display period of more than 28 consecutive days for any event advertised;
- (n) the display of posters on any bridge or in sensitive areas identified by the Council, is prohibited.

ADVERTISING SIGNS AND HOARDINGS

- (o) the display of auction posters shall only be within the area of jurisdiction of the Municipality, duly authorised by the Sheriff of the Court, to a maximum of 40. The Case Number or Masters Reference Number must be displayed on the poster. A writ is to be produced on submission.
- (p) the display of political posters not directly for the purposes of a National, Provincial or Municipal election or referendum, shall be regarded as advertising.
- (4) The provisions of sub-clause (2) shall not apply in respect of a poster relating to an election, or a referendum, which: -
 - (a) is placed entirely inside private premises;
 - (b) is displayed in or on a motor vehicle;
 - (c) is displayed at the committee room clearly marked as such, of a candidate in an election; or
 - (d) fixed to an advertising hoarding for which approval has been granted in terms of Clause 2.
- (5) Any poster which is displayed without permission or in contravention of this clause may without notice be removed and destroyed by the Council or persons appointed by the Council. Any costs incurred by the Council in the removal will be borne by the person who displayed the poster or caused, or allowed it to be displayed.

27. FIXING OF SIGNS AND HOARDINGS

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

ADVERTISING SIGNS AND HOARDINGS

28. DESIGN REQUIREMENTS FOR SIGNS

Regulations for Clause 2(12)

(1) Definitions

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

(2) Design requirements

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

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

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

- (i) the letters are not specially illuminated;
- (ii) the letters are not constructed of a shiny material;
- (iii) the colour of the letters does not contrast sharply
- (iv) the letters do not exceed 50mm in thickness

(3) Sign formats

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

ADVERTISING SIGNS AND HOARDINGS

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

- (1) All iron or steel used in any advertising sign, hoarding or screen referred to in Clause 13 or as means of for such sign, hoarding or screen shall be painted or otherwise effectively protected against corrosion.
- (2) No water soluble adhesive tape or other similar material shall be used to display or secure any advertising elsewhere than on a hoarding or within a fixture referred to in Clause 4 (1) (d).

30. POWER CABLES AND CONDUITS TO SIGNS

- (1) Every power cable and conduit containing electrical conductors for the operation of a sign shall be so positioned and fixed that it is not unsightly.
- (2) No advertising sign or hoarding shall be connected to any electricity supply without the prior written permission of the relevant electricity supply authority. Such proof of permission shall be submitted if requested.

31. ERECTION AND MAINTENANCE OF ADVERTISING SIGNS AND HOARDINGS

- (1) If, in the opinion of the Council, any advertising sign or hoarding is in a dangerous or unsafe condition or has been allowed to fall into a state of disrepair or interferes with the functioning of any road traffic sign, the Council may serve a notice on an owner requiring him at his own cost, to remove the sign or hoarding or do other work specified in the notice within a period so specified.
- (2) The Council may, if in its opinion an emergency exists, instead of serving notice in terms of sub-clause (1) or if such notice has not been complied with within the period specified therein, itself carry out the removal of a sign or advertising hoarding or do other work which it may deem necessary and may recover the cost thereof from the owner referred to in sub-clause (1).
- (3) The Council shall, should an approved advertising hoarding not display an advertisement or message for a period more than 12 months or as otherwise agreed to by Council, serve a notice on the owner requiring him, at his own cost, to remove the hoarding or to display an advertisement or message within a period so specified.

ADVERTISING SIGNS AND HOARDINGS

32. NATIONAL BUILDINGS REGULATIONS

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

33. CHARGES

- (1) Every person who applies to the Council for its approval or permission shall on making application pay to the Council the charge determined therefore and no application shall be considered until such charge has been paid.
- (2) The fines and penalties for offences in terms of Clause 36 are set out below:
 - (a) upon conviction of an offence, the guilty party shall be liable to a fine not exceeding R3 000.00 or, in default of payments, to imprisonment for a period not exceeding 3 months;
 - (b) in the case of a continuing offence, the guilty party shall be liable to a further fine not exceeding R100.00 for every day during the continuance of such offence;
- (3) The cost involved for the removal of unauthorised posters by Council, which cost shall be recovered from the owner of such unauthorised poster(s), will be:
 - (i) per poster (unpasted) R100,00
 - (ii) per poster (pasted) R500,00
 - (iii) per poster (flyposter) R1000,00
 - (iv) Saturdays relevant charge plus 50%
 - (v) Sundays relevant charge plus 100%
- (4) Spot fines to a maximum of R1000.00 may be served by duly authorised officials of the Council on offenders for any contravention or failure to comply with the terms of this By-Law.
- (5) Any signs or advertising boards which have been removed and impounded but not destroyed by the Council as a result of them not complying with these By-Laws may be released to the original owner at the following rates:

ADVERTISING SIGNS AND HOARDINGS

- (a) transit advertising signs may be released at the cost of removal with a minimum fee of R500.00 plus R100.00 per square metre of advertising display or part thereof;
- (b) for all other signs the charge will be the cost of removal with a minimum of R500.00 plus R50.00 per square metre of advertising display or part thereof;
- (c) signs removed and not released within 3 months shall be disposed of by the Council.

34. DAMAGE TO COUNCIL PROPERTY

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

35. ENTRY AND INSPECTION

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

36. OFFENCES

Any person who -

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

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37. PRESUMPTIONS

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

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

38. REMOVAL OF ADVERTISING SIGNS OR HOARDINGS

- (1) If any advertising sign or hoarding is displayed so that in the opinion of the Council it is detrimental to the environment or to the amenities of the neighbourhood, or otherwise in contravention of these Bylaws, the Council request or serve notice on the owner of the advertising sign or hoarding to remove such advertising sign or hoarding or carry out such alteration or do such work as may be specified in such request or notice within a time specified.
- (2) If a person fails to comply with a confirmed request or a notice referred to in sub-clause (1), the Council or its authorised agent may remove such an advertising sign or hoarding.
- (3) The Council shall in removing a transit sign, advertising or hoarding contemplated in sub-clause (1) not be required to compensate any person in respect of such advertising sign or hoarding, in any way of loss or damage resulting from its removal.

ADVERTISING SIGNS AND HOARDINGS

- (4) Any costs incurred by the Council in removing a transit sign, advertising sign or hoarding, in terms of sub-clause (2) or in doing alterations or other works in terms of this Clause may be recovered from the person on whom the notice contemplated in sub-clause 91) was served, or if a deposit has been paid in respect of such advertising sign or costs may be deducted from the deposit.
- (5) Notwithstanding the provisions of sub-clauses (1), (2), (3) and (4) if an advertising sign or hoarding:
- (a) constitutes a danger to life or property;
 - (b) is obscene;
 - (c) is in contravention of this By-Law and is erected on, attached to or displayed on any property of, or under control of the Council; the Council may, without serving any notice, remove any such advertising sign or hoarding or cause it to be removed.

39. SERVING OF NOTICES

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

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

40. PUBLIC NOTICE OF APPLICATION

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

ADVERTISING SIGNS AND HOARDINGS

- (2) The applicant shall post a notice in English and one other official language in such form as prescribed in Schedule 2 to this By-Law in a conspicuous place and within 3 metres from the proposed sitting of the sign/hoarding or in such other place, form and manner as may be determined by the Council. Such notice shall be maintained by the applicant for a period of at least 14 days from the date of the first publication of the notice contemplated in sub-clause (1) above.
- (3) The notice referred to in sub-clause (1) and (2) shall, in addition to containing details as prescribed in the relevant schedules, state that the applicant documents relating to the application will be open for inspection, from the date of the first publication as contemplated in sub-clause (1) above and at specified times and at a specified place at the Council's offices.
- (4) The notice referred to in sub-clause (1) and (2) shall further state that any objection in regard to the application shall be submitted in writing both to the Council and the applicant under cover of registered or certified post or by hand within a period of 14 days from the date of the publication of the first notice contemplated in sub-clause (1). The applicant shall within 14 days from receipt of the objection forward his reply thereto to the local authority.
- (5) The applicant shall submit proof to the satisfaction of the local authority that he has complied with the provisions of sub-clause (1) – (4).
- (6) All advertising signs and hoarding shall be classified by the Council and above notice shall apply to those classes of advertising signs and hoardings as may be determined by the Manager Social and Community Services.

41. HEARING

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

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

42 APPEALS

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

43 DETERMINATION OF CHARGES FOR ADVERTISING SIGNS AND HOARDINGS

In terms of Section 11(3) of the Municipal Systems Act, 32 of 2000 read with Section 10(7)(7) of the Local Government Transition Act, 209 of 1993. It is hereby notified that the Municipality has amended its Determination of Charges for Advertising Signs and Hoardings in terms of the Municipal tariffs as published from time to time.

44. Assigning powers of a Council employee to a service provider, where a service provider has been appointed

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

45 Short Title and Commencement

These By-law shall be called Advertising Signs and Hoarding By-law 2008, and will come into operation on a date fixed by the Municipality by notice in a gazette.

LOCAL AUTHORITY NOTICE 397
INFORMAL STREET TRADING BY-LAW

Informal Street Trading By-Law

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

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1. Definitions
2. Meaning of words and expressions in Business Act incorporated in this By-Law
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4. Reference to legislation includes regulations made thereunder
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11. Vicarious responsibility of persons carrying on business
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Definitions

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

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

INFORMAL STREET TRADING BY-LAW

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

“Council” means -

- (a) The Municipality established by Provincial Notice No. 274 of 2000 dated 5 September 2000, as amended, exercising its legislative and executive authority through its municipals council; or
- (b) its successor in title; or
- (c) A structure or person exercising a delegated power or carrying out in instruction, where any power in this By-Law has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or
- (d) A service provider fulfilling a responsibility under this By-Law, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000, or any other law, as the case may be.

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

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

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

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

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

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

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

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

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

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

"Public Building" means a building belonging to or occupied solely by the State or the Council; "public monument" means any one of the "public monuments and memorials" as defined in the National Heritage Resources Act, 1999 (Act No. 25 of 1999);

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

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

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

"Sell" includes - 3

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

And "sale" or "selling" has a corresponding meaning;

"sidewalk" means sidewalk as defined in section 1 of the National Road Traffic Act, 1996;

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

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

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

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

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

Meaning of words and expressions in Business Act incorporated in this By-Law

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

Single act constitutes street trading

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

Reference to legislation includes regulations made thereunder

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

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Assigning powers of a Council employee to a service provider, where a service provider has been appointed

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

Prohibited conduct

6. (1) No person shall carry on the business of a street trader -
- (a) at a place or in an area declared by the Council in terms of section 6A(2) (a) of the Act as a place or area in which street trading is prohibited;
 - (b) in a garden or a park to which the public has a right of access;
 - (c) on a verge contiguous of -
 - (i) a building belonging to, or occupied solely by, the State or the Council;
 - (ii) a church or other place of worship;
 - (iii) a building declared to be a Public monument;
 - (iv) an autoteller bank machine;
 - (d) at a place where it causes an obstruction in front of -
 - (i) a fire hydrant;
 - (ii) an entrance to or exit from a building;
 - (e) at a place where it could obstruct vehicular traffic;

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- (f) at a place where it could substantially obstruct a pedestrian in his or her use of the sidewalk;
 - (g) on that half of a public road contiguous to a building used for residential purposes, if the owner or person in control, or any occupier of that building objects thereto and such objections is made known to the street trader by an authorised official;
 - (h) on a stand, or in any area demarcated by Council in terms of section 6A(3)(b) of the Act, if he or she is not in possession of a written proof that he or she has hired such stand or are from the Council, or that such stand has otherwise been allocated to him or her;
 - (i) within 5 (five) metres of any intersection as defined in Regulation 322 of the National Road Traffic Act 1996; and
 - (j) on a sidewalk contiguous to a building in which business is being carried on, by any person who sells goods of the same or of a similar nature to the goods being sold on such sidewalk by the street trader, if the goods are sold without the prior consent of such person and an authorised official has informed the street trader that such consent does not exist.
- (2) A person who has hired a stand from, or been allocated a stand by the Council in terms of subsection (1) (h), may not trade in contravention of the terms and conditions of such lease or allocation.

Restricted conduct

7. A person carrying on the business of a street trader -
- (a) may not sleep overnight at the place of such business;
 - (b) may not erect any structure for the purpose of providing shelter, other than a device approved by the Council;
 - (c) may not place his or her property on a public road or public place, with the exception of his or her motor vehicle or trailer from which trade is conducted, and provided that such vehicle or trailer does not obstruct pedestrian and vehicular traffic movement, and complies with the provisions of the National Road Traffic Act, 1996;

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- (d) must ensure that his or her property or area of activity does not cover an area of a public road or public place which is greater in extent than six square metres (with a maximum length of three metres) or unless otherwise approved by the Council, and which on any sidewalk leaves an unobstructed space for pedestrian traffic, the length of the property or area of activity, and not less than 1,5 metres wide, measured from any contiguous building to the obstructed area, and an unobstructed space, the length of the property or area of activity, and not less than 0,5 metres wide, measured from the kerb of the roadway;
- (e) may not trade on a sidewalk where the width of such sidewalk is less than four metres;
- (f) may not place or stack his or her property in such a manner that it constitutes a danger to any person or property, or is likely to injure any person or caused damage to any property;
- (g) may not display his or her goods or other property on or in a building, without the consent of the owner, lawful occupier, or person in control of such building or property;
- (h) must on a request by an authorised official of the Council, or supplier of telecommunication or electricity or other council services, move his or her property so as to permit the carrying out of any work in relation to a public road, public place or any such service;
- (i) may not attach any of his or her property by means to any building, structure, pavement, tree, parking meter, lamp pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or public place;
- (j) may not carry on such business in such a manner as to -
 - (i) create a nuisance;
 - (ii) damage or deface the surface of any public road or public place, or any public or private property; or
 - (iii) create a traffic and/or health hazard, or health risk, or both.
- (k) may not make an open fire on a public road or public place;
- (l) may not interfere with the ability of a person using a sidewalk to view the goods displayed behind a shop display window, or obscure such goods from view.
- (m) may not obstruct access to a pedestrian crossing a parking or loading bay or other facility for vehicular or pedestrian traffic;

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- (n) may not obstruct access to, or the use of, street furniture and any other facility designed for the use of the general public;
- (o) may not obscure any road traffic sign displayed in terms of the National Road Traffic Act, 1996, or any marking, notice or sign displayed or made in terms of this By-Law;
- (p) may not carry on business, or take up a position, or place his or her property on a portion of a sidewalk or public place, in contravention of a notice or sign erected or displayed by the Council for the purposes of this By-Law;
- (q) may not, other than in a refuse receptacle approved or supplied by the Council, accumulate, dump, store or deposit, or cause or permit to be accumulated, dumped, stored or deposited, any litter on any land or premises or any public road or public place or on any public property;
- (r) may not place on a public road or public place, his or her property that is not capable of being easily removed to a storage place away from such public road or public place, at the end of the day's business;
- (s) must on concluding business for the day remove his or her property, except any structure permitted by the Council, to a place which is not part of a public road or public place;
- (t) may not store his or her property in a manhole, storm water drain, public toilet, and bus shelter or in a tree; and
- (u) may not carry on such business in a place or area in contravention of any prohibition or restriction approved by the Council in terms of section 6A(2)(a) of the Act.

Cleanliness

8. A street trader must -

- (a) Keep the area or site occupied by him or her for the purposes of such business in a clean and sanitary condition;
- (b) Keep his or her property in a clean, sanitary and well maintained condition;
- (c) Dispose of litter generated by his or her business in whatever receptacle is provided by the Council for the public or at a dumping site of the Council;

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

Signs indicating restricted and prohibited areas

- 9. (a) The Council may, by resolution and in terms of section 6A(2) of the Act, declare any place in its area of jurisdiction to be an area in which street trading is restricted or prohibited, and must, to enable compliance therewith, prescribe or make signs, markings or other devices indicating -
 - (i) specified hours, places, goods or services in respect of which street trading are restricted or prohibited;
 - (ii) the locations of boundaries of restricted or prohibited areas;
 - (iii) the boundaries of a stand or area set apart for the purposes of the carrying on of the business of street trading;
 - (iv) the fact that any such stand or area has been let or otherwise allocated; and
 - (v) any restriction or prohibition against street trading in terms of these By-Laws;
- (b) The Council may display any such sign, marking or device in such a position and manner as will indicate any restriction or prohibition and or the location or boundaries of the area or stand concerned;
- (c) Any sign erected in terms of this By-Law or any other law, shall serve as sufficient notice to a street trader of the prohibition or restriction of the area concerned; and
- (d) Any sign may be amended from time to time and displayed by the Council for the purpose of this By-Law, and shall have the same effect as a road sign in terms of the National Road Traffic Act, 1996.

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Removal and impoundment

10. (1) An authorised official may remove and impound any property of a street trader -
- (a) which he or she reasonably suspects is being used or which intended to be used or has been used in or in connection with street trading; and
 - (b) which he or she finds at a place where street trading is restricted or prohibited and which, constitutes an infringement of any such restriction or prohibition whether or not such property is in possession or under the control of any person at the time of such removal or impoundment.
- (2) Any authorised official acting in terms of subsection 1 above must, except where goods have been left or abandoned, issue to the person carrying on the business of a street trader, a receipt for any property so removed and impounded, which receipt must -
- (i) itemize the property to be removed and impounded;
 - (ii) provide the address where the impounded property will be kept, and the period thereof;
 - (iii) state the conditions for the release of the impounded property;
 - (iv) state the terms and conditions relating to the sale of unclaimed property by public auction; and
 - (v) provide the name and address of a council official to whom any representations regarding the impoundment may be made, and the date and time by which this must be done.
- (3) If any property about to be impounded is attached to any immovable property or a structure, and such property is under the apparent control of a person present there at, any authorised official of the Council may order such person to remove the property, and if such person refuses or fails to comply, he or she shall be guilty of an offence.
- (4) When any person fails to comply with an order to remove the property referred to in subsection (3), any authorised official of the Council may take such steps as may be necessary to remove such property.

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Vicarious responsibility of persons carrying on business

11. (1) When an employee of a street trader contravenes a provision of this By-Law the employer shall be deemed to have committed such contravention him or herself unless such employee satisfies the court that -
- (a) he or she neither connived at nor permitted such contravention and;
 - (b) he or she took reasonable steps to prevent such contravention.
- (2) The fact that the employer issued instructions prohibiting such contravention, shall not in itself constitute sufficient proof of such reasonable steps.

Offences and Penalties

12. Any person who -
- (a) contravenes or fails to comply with any provision of this By-Law;
 - (b) fails to comply with any notices issued in terms of this By-Law; or
 - (c) fails to comply with any lawful instruction given in terms of this By-Law; or
 - (d) who obstructs or hinders any authorised representative of the Council in the execution of his or her duties under this By-Law – is guilty of an offence and liable on conviction to a fine not exceeding R1000,00 or in default of payment, to imprisonment for a period not exceeding six months, and in the case of a continuing offence a fine not exceeding R100,00 for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the person concerned, requesting the discontinuance of such offence, provided that no such fine shall in any prosecution or within any month exceed One Thousand Rand (R1000,00), or in default of payment liable on conviction to imprisonment for a period not exceeding six months.
 - (e) a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as a result of such contravention or failure.

Short title and Commencement

These By-law shall be called Informal Street Trading By-law 2008, and will come into operation on a date fixed by the Municipality by notice in a gazette.

LOCAL AUTHORITY NOTICE 398
BY-LAW RELATING TO STREETS

BY-LAW RELATING TO STREETS

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

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Definitions

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

“Animals” means any horses, mules, donkeys cattle, pigs, sheep, goats, ostriches indigenous mammals and other wild animals;

“Sidewalk” means that portion of a street between the outer boundary of the roadway and the boundary lines of adjacent properties or buildings which is intended for the use of pedestrians;

“Street” means any road, street or thoroughfare or any other place which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access and except where inconsistent with the context includes -

- (a) the verge of any such road, street or thoroughfare
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;

- (c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- (d) any other object belonging to such road, street or thoroughfare.

“Vehicle” means a device designed or adapted mainly to travel on wheels or crawler tracks and includes such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged other than such a device which moves solely on rails; and

“work” means work of any nature whatsoever undertaken on any land within the area of jurisdiction of the Municipality and, without in any way limiting the ordinary meaning of the word, includes the erection of a new building or alterations or additions to any existing building, the dumping of building or other material anywhere in the street, or delivery to or removal from any site of any soil or material of any nature whatsoever.

Sidewalks and encroachments on streets

- 2. No person shall -
 - (a) construct or lay a sidewalk in a street -
 - (i) except with the written permission of the municipality, or
 - (ii) otherwise than in accordance with the requirements prescribed by the municipality, or
 - (b) construct a verandah, stoep, steps or other projection or erect a post in a street except with the written permission of the municipality.

Advertisements visible from streets

- 3. (1) No person shall display any advertisement, placard, poster or bill in a street -

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- (a) except with the written permission of the municipality, and
 - (b) otherwise than in accordance with such conditions as may be determined by the municipality.
- (2) This section shall not be applicable to signs which have been exempted under the provisions of the municipality's by-law relating to Advertising Signs and the Disfigurement of the Front or Frontages of Streets.

Animals or objects causing an obstruction

4. No person shall -

- (a) deposit or leave any goods or articles in a street, other than for a reasonable period during the course of the loading, off-loading or removal thereof, or
- (b) in any way obstruct the pedestrian traffic on a sidewalk by bringing or allowing to be brought thereon any animal, object or vehicle (other than a perambulator or wheel-chair which is being used for the conveyance of children or the disabled), or
- (c) cause or allow any blind, awning, cord or other object to project or to be stretched over or onto a street -
 - (i) except with the written permission of the municipality, or
 - (ii) otherwise than in accordance with such conditions as may be determined by the municipality.

Trees in streets

5. (1) No person shall -

- (a) plant a tree or shrub in a street, or in any way cut down a tree or a shrub in a street or remove it there from, except with the written permission of the municipality;
- (b) climb, break or damage a tree growing in a street, or

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(c) in any way mark or paint any tree growing in a street or attaché any advertisement thereto.

(2) Any tree or shrub planted in a street shall become the property of the municipality.

Trees causing an interference or obstruction

6. (1) Whenever there is upon any property any tree or other growth which interferes with overhead wires or is a source of annoyance, danger or inconvenience to persons using a street, the municipality may by notice in writing order the owner or occupier of such property to prune or remove such tree or growth to the extent and within the period specified in such notice.

(2) Any person failing to comply with a notice issued in terms of subsection (1) shall be guilty of an offence.

(3) If any person fails to comply with a notice in terms of this section, the municipality may itself prune or remove the tree or growth at the expense of the person on whom the notice was served.

Refuse, motor vehicle wrecks, waste material, etc.

7. No person shall -

(a) dump, leave or accumulate any garden refuse, motor vehicle wrecks, spare parts of vehicles, building or waste materials, rubbish or any other waste products in street or public place, or

(b) permit any such objects or substances to be dumped or placed in a street or public place from premises owned or occupied by him.

Except with the written permission of the municipality and otherwise than in accordance with such conditions as may be determined by the municipality.

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Prohibition upon certain activities in connection with objects in streets

8. No person shall, in a street -
- (a) effect any repairs or service to a vehicle, except where necessary for the purposes of removing such vehicle from the place where it was involved in an accident, or
 - (b) clean or wash a vehicle.

Prohibition upon games and other acts in streets

9. No person shall -
- (a) roll a hoop, fly a kite, shoot with a bow and arrow or catapult, discharge fireworks or throw a stone, stick or other projectile in, onto or across a street, or
 - (b) do anything in a street which may endanger the life or safety of any person, animal or thing or may be nuisance, obstruction or annoyance to the public unless such street is provided with clear signs and identifiable paving and street furniture which distinguishes it as "residential erf" or "street park".

Use of explosives

10. No person shall in or upon a street use explosives or undertake blasting operations -
- (a) except with the written permission of the municipality, and
 - (b) otherwise than in accordance with such conditions as may be determined by the municipality.

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Conveyance of animal carcasses or other waste products through streets

11. No person shall carry or convey through a street the carcass of an animal or any garbage, night-soil, refuse, litter, rubbish, manure, gravel or sand -
- (a) unless it is properly covered, and
 - (b) unless it is conveyed in such type of container as will not allow any offensive liquids or parts of the load to be spilt in the street.

Fences on street boundaries

12. No person shall erect a barbed-wire fence or other dangerous fence on the boundary of a street except with the written permission of the municipality.

Building materials in streets

13. No person shall bore or cut stone or bricks, slake or sift lime, or mix building materials or store or place building materials in a street except with the written permission of the municipality, and then only in accordance with the requirements prescribed by the municipality.

Balconies and verandahs

14. No person shall, except with the written permission of the municipality -
- (a) use a balcony or verandah erected beyond the boundary line of a street for purposes of trading or the storage of goods, or for the washing or drying of clothes thereon, or
 - (b) enclose or partition a balcony or verandah erected beyond the boundary line of a street or portion thereof as a living or bedroom.

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Drying of washing on fences on boundaries of streets

15. No person shall dry or spread washing on a fence on the boundary of a street.

Outspanning in streets

16. No persons shall outspan or allow to be outspanned in any street any vehicle drawn by animals, or detach or leave in any street any trailer, caravan or vehicle which is not self-propelled; provided that this provision shall not apply to the actual loading or unloading of such vehicle.

Protection of street surface

17. (1) No person shall -
- (a) use a vehicle or allow it to be used in any street if such vehicle is in such a defective condition that it will or may cause damage to any street, and
 - (b) drive, push, roll, pull or propel any object, machine or other material through or along a street in such a way, or while such object, machine or material is in such a condition, as may damage, break or destroy the surface of the street in any way.
- (2) If the municipality identifies a person who, as a result of the actions referred to in subsection (1), has damaged, broken or destroyed the surface of a street, the cost of repairs, as determined by the municipality, may be recovered from the offender.
- (3) Any person who is the owner of land on which any work is done shall be liable for any damage to any portion of a street caused by or in connection with the execution of such work by such owner, his or her employee or any independent contractor on behalf of such owner.

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- (4) When any work which has to be undertaken on any land entails the driving of vehicles over kerb, sidewalks or road verges, the owner of such land shall not commence, or allow any other person to commence, any such work unless and until such a person has deposited with the municipality an amount sufficient to cover the cost of repairing any damage which may be caused to any portion of such street as a result of, or in connection with, the execution of such work by such owner, his or her employee or any independent contractor acting on behalf of such owner.
- (5) After completion of such work, the municipality shall itself undertake the repair of any portion of such street as may have been damaged by such work and shall set off the cost of such repairs against such deposit. If such cost is less than the amount of the deposit, the municipality shall refund the balance to the depositor, but if the amount of the deposit does not cover such cost, the owner shall be liable for the difference, which shall become payable on receipt of an account specifying the additional amount due.
- (6) No person other than an authorised official of the municipality in the performance of his or her duties may apply, mark, paint or draw lines, marks, words, signs or advertisements on the surface of a street.

Damaging of notice-boards

18. No person shall deface, damage or in any way interfere with any notice-board, road traffic sign, street-name board or other similar sign or any hoarding which has been erected in a street by or with the permission of the municipality.

Street and door-to-door collections

19. No person shall -
- (a) collect or attempt to collect money in a street or organize or in any way assist in the organization of such collection, except with the written permission of the municipality and otherwise than in accordance with such conditions as may be determined by the municipality, or

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- (b) collect from door to door, beg or solicit or accept alms, except with the written permission of the municipality

Excavations in streets

20. No person shall make or cause to be made an excavation or dig or cause to be dug a pit, trench or hole in a street -

- (a) except with the written permission of the municipality; and
(b) otherwise than in accordance with the requirements prescribed by the municipality.

Poison in streets

21. No person other than an official of the municipality or an authorised person who administers legally approved weed-killers or poisons, shall use, set or cast poison in any street.

Processions

22. (1) Subject to the provisions of sub-section (6) no person shall hold, organize, initiate, control or actively participate in a procession or gathering in a street, or dance or sing or play musical instrument or do anything which is likely to cause a gathering of persons or the disruption or obstruction of traffic in such street, or shall use any loudspeaker or other device for the reproduction or amplification of sound without the written permission of the municipality in terms of subsections (2) and (3).
- (a) Any person who intends to perform or carry out any one or more of the actions described in subsection (1) in any street shall submit a written application for permission thereto, which shall reach the municipality at least seven days before the date upon which any one or more of such actions is or are intended to be performed or carried out; provided that persons who intend participating actively in a procession, or gathering in any street need not apply to the municipality for permission thereto and it shall not be illegal for such persons to participate actively in such procession or gathering if the organizer, promoter or controller thereof has

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obtained the permission of the municipality. An application in terms hereof shall contain the following:

- (a) full details of the name, address and occupation of the applicant;
 - (b) full details of the street where or route along which any one or more of the actions prescribed in subsection (1) is or are intended to be performed or carried out, proposed starting and finishing times or any one or more of the aforesaid actions and, in the case of processions and gatherings, the number of persons expected to attend, and
 - (c) general details of the purpose of any one or more of the aforesaid actions intended to be performed or carried out.
- (b) Any application submitted in accordance with subsection (2) shall be considered by the municipality, and if any one or more of the actions to be performed or carried out as proposed in such application is or are not, in the opinion of the municipality, likely to be in conflict with the interests of public peace, good order or safety, the municipality shall issue a certificate granting permission and authorization for the performance or carrying out of any one or more of such actions subject to such conditions as the municipality may deem necessary to uphold public peace, good order or safety.
- (c) The municipality may refuse to grant permission for the performance or carrying out of any one or more of the actions described in subsection (1), if the performance or carrying out of such actions will, in the opinion of the municipality, be in conflict with the interests of public peace, good order or safety.
- (d) The municipality may withdraw any permission granted in terms of subsection (3), if as a result of further information, it is of the opinion that the performance or carrying out of the action in question will be in conflict with the interests of public peace, good order or safety.

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- (e) The provisions of this section shall not apply -
- (a) to wedding or funeral processions
 - (b) to a gathering or demonstration as contemplated by the Regulation of Gatherings Act No. 205 of 1993 in which case the provisions of the said act shall be applicable.

Roller-skating and skating on skate-boards

23. No person shall, except with the prior written permission of the municipality, skate or roller skates or a skate board or a similar device in or on a proclaimed main road or in or upon an area where skating is prohibited by an applicable road traffic sign.

Persons to be decently clad

24. No person shall appear in any street without being clothed in such a manner as decency demands.

Overflow of water into streets

25. No person shall cause or allow any water other than rain water to flow into a street.

Behaviour in streets

26. No person shall -
- (a) cause a nuisance to other persons by loitering, standing, sitting or lying;
 - (b) sleep, overnight or erect any shelter;
 - (c) wash or dry clothes, blankets or any other domestic articles;
 - (d) use abusive, insulting obscene, threatening or blasphemous language;
 - (e) fight or act in a riotous manner;
 - (f) beg or ask members of the public for money or contributions

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- (g) annoy or inconvenience any other person by yelling, shouting or making any noise in any manner whatsoever;
- (h) defecate, urinate or wash himself;
- (i) solicit or importune any person for the purpose of prostitution or immorality;
- (j) engage in gambling;
- (k) use intoxicating liquor or drugs;
- (l) spit in a street.

Animals in a street

27. No owner or person -

- (a) in charge of any wild or ferocious animal, monkey or horned cattle shall allow such animals at any time to be insufficiently attended or at large in any street or shall keep any such animal in such a manner as to be a danger or annoyance to the public, or
- (b) shall, allow, permit or cause any animal or graze or stray in or about any street.

Display of street number of places

28. (1) The municipality may prescribe by notice in writing to the owner of any premises that a number allocated to such premises by the municipality shall be displayed and the owner of such premises shall, within 30 days of the date of such notice, display the allocated number on the premises.

- (a) a number displayed as contemplated by sub-section (1) shall -
 - (a) be displayed in a conspicuous position on the premises and must at all times be visible and legible from the adjacent street; and
 - (b) be replaced by the owner of the premises as often as it gets obliterated, defaced or illegible

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Bridges and crossings over gutters and sidewalks

29. No private crossing, pathway, bridge or culvert shall be made or built to or in front of any dwelling or other premises in any street or public place -
- (a) except with the written permission of the municipality, and
 - (b) otherwise than in accordance with the requirements prescribed by the municipality.

Control of amusement shows and devices

30. (1) No person shall set up or use any street or public place any circus, whirligig, roundabout or other side-show or device for the amusement or recreation of the public -
- (a) except with the written permission of the municipality
 - (b) otherwise than in accordance with such conditions as may be determined by the municipality.
 - (c) Unless suitable sanitary conveniences for both sexes of the staff have been provided, and
 - (d) If it is in any way dangerous or unsafe for public use.
- (2) An authorised official of the municipality shall, for the purposes of inspection; at all reasonable times have free access to such circus, whirligig, roundabout or other side-show or device.

Control of animal-drawn vehicles

31. (1) No person shall -
- (a) simultaneously drive or be in control of more than one animal-drawn vehicle in a street;
 - (b) drive or be in control of an animal-drawn vehicle in a street if he or she is under 16 years of age,
or

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- (c) if he or she is in control of an animal-drawn vehicle in a street, allow a person under 16 years of age to drive or be in control of such vehicle.

Vehicles to be attended

32. No person shall, in a street, sleep in a vehicle other than a motor vehicle parked in a taxi rank or on some other stand duly allocated by the municipality.

Municipality may act and recover costs

33. (1) Notwithstanding any other provisions of this by-law, the municipality may -
- (a) where the permission of the municipality is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained, and
 - (b) where any provision of this by-law is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance.

Serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the municipality may require to rectify such contravention within the period stated in such notice.

- (2) Any person who fails to comply with a notice in terms of subsection (1) shall be guilty of an offence, and the municipality may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

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Offences and Penalties

34. Any person who -

- (a) contravenes or fails to comply with any provision of this By-Law;
- (b) fails to comply with any notices issued in terms of this By-Law;
- (c) fails to comply with any lawful instruction given in terms of this By-Law; or
- (d) who obstructs or hinders any authorised representative of the Council in the execution of his or her duties under this By-Law – is guilty of an offence and liable on conviction to a fine not exceeding R1000,00 or in default of payment, to imprisonment for a period not exceeding six months, and in the case of a continuing offence a fine not exceeding R100,00 for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the person concerned, requesting the discontinuance of such offence, provided that no such fine shall in any prosecution or within any month exceed One Thousand Rand (R1000,00), or in default of payment liable on conviction to imprisonment for a period not exceeding six months.
- (e) a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as a result of such contravention or failure.

35 Short title and Commencement

These By-law shall be called By-law Relating to Streets 2008, and will come into operation on a date fixed by the Municipality by notice in a gazette.
