

THE PROVINCE OF MPUMALANGA  
DIE PROVINSIE MPUMALANGA

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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS**

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**NOTICE 24 OF 2019****NOTICE OF APPLICATION IN TERMS OF THE GOVAN MBEKI SPATIAL PLANNING AND LAND USE  
MANAGEMENT BY-LAW, 2016, CHAPTER 5 AND 6**

I, Karl Wilhelm Rost, Pr Pln, of the firm Reed Geomatics Incorporated hereby give notice in terms of Section 88 of the Govan Mbeki SPLUM By-Law, that I have applied to the Govan Mbeki Municipality for the following:

**Application for *Establishment of Township*****Application reference number: 16/3/1/74**

**Property Owner and information:** Proposed Portion 7 (a portion of the Remainder) of the Farm Driehoek 572, , Registration Division I.S., Mpumalanga Province, located west of Secunda Extension 20 and directly south of Nelson Mandela Drive, Secunda.

**Owner: Govan Mbeki Municipality**held by title deed **T25864/1995**

I the owner /agent hereby give notice in terms of section 88 of the Govan Mbeki Spatial Planning and Land Use Management By-Law, of the application for the establishment of a township on the above mentioned property. The township will measure approximately 30.9ha in extent and will consist of the following erven:

325 x Medium Density Residential (±9.7ha)

2 x Institutional (±0.3ha)

17 x High Density Residential (±6.7ha)

3 x General Mixed Use (±4.3ha)

8 x Low Impact Mixed Use (±3.5ha)

Roads (±6.4ha)

Particulars of the application will lie for inspection during normal office hours at the Office of Manager Town and Regional Planning, Room 323 3<sup>rd</sup> floor, South Wing Municipal Buildings, for the period **30 days** from **29 March 2019**.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address within a period of 30 days from 29 March 2019, being **29 April 2019**.

**Name and address of applicant: Reed Geomatics Incorporated, P.O. Box 985, Secunda, 2302 Tel: 017 631 1394 Fax: 017 631 1770**

**Municipal Reference: 16/3/1/74****Our ref: TE191**

29-5

**NOTICE 25 OF 2019****STEVE TSHWETE AMENDMENT SCHEME 767 AND ANNEXURE A643  
NOTICE OF APPLICATION FOR THE AMENDMENT OF THE STEVE TSHWETE TOWN PLANNING SCHEME, 2004, IN  
TERMS OF SECTION 62(1), AND 94(1)(A) & (2)(A) OF THE STEVE TSHWETE SPATIAL PLANNING AND LAND USE  
MANAGEMENT BYLAW, 2016**

I, Johannes Petrus Coetzee (ID 750723 5047 088) of Urban Dynamics Mpumalanga (PTY) LTD being the authorised agent of the registered owner of Erf 1514, Aerorand hereby give notice in terms of Section 94(1)(a) & (2)(a) Chapter 6 of the Steve Tshwete Spatial Planning and Land Use Management Bylaw, 2016, that we have applied to the Steve Tshwete Local Municipality for the amendment of the town planning scheme known as the Steve Tshwete Town Planning Scheme, 2004, for the rezoning of the abovementioned property situated at 37 Lebombo Street, Aerorand by rezoning the property from "Residential 1" to "Residential 3" for the purpose of a Guest House as contained in the Annexure. Any objection/s or comments including the grounds for such objection/s or comments with full contact details, shall be made in writing to the Municipal Manager, PO Box 14, Middelburg 1050 within 30 days from 29 March 2019 with the last date of comments being 2 May 2019 (30 days after first date of application) in the manner as described in Section 99 of the Steve Tshwete Spatial Planning and Land Use Management Bylaw, 2016. Full particulars and plans may be inspected during normal office hours at the office of the Municipal Manager, Steve Tshwete Local Municipality, Cnr. Walter Sisulu and Wanderers Avenue, Middelburg, 1050, Tel: 013 249 7000, for a period of 30 days from 29 March 2019. Inquiries can be addressed to Mr Meshack Mahamba, Head of Town Planning and Human Settlements at telephone number 013 – 249 7000. Any person who cannot read or write may consult with any staff member of the office of the Senior Manager: Town Planning and Human Settlement during office hours and assistance will be given to transcribe that person's objections or comments.

Address of the Applicant: 7 Dolerite Crescent, Aerorand, 1070, Postal address P.O. Box 11677, Aerorand, Middelburg, 1070, Telephone no. 013 244 1598, Fax no: 013 244 1560, email: mail@urbanmbg.co.za.

29-5

**KENNISGEWING 25 VAN 2019****STEVE TSHWETE WYSIGINGSKEMA 767 EN BYLAAG A643  
KENNISGEWING VAN DIE AANSOEK OM DIE WYSIGING VAN DIE STEVE TSHWETE DORPSBEPLANNINGSKEMA  
2004, INGEVOLGE ARTIKEL 62(1) EN 94(1)(A) & 2(A) VAN DIE STEVE TSHWETE RUIMTELIKE BEPLANNING EN  
GRONDGEBRUIKSBESTUUR BYWET, 2016**

Ek, Johannes Petrus Coetzee (ID 750723 5047 088) van Urban Dynamics Mpumalanga (PTY) LTD, synde die gemagtigde agent van die geregistreerde eienaar van Erf 1514, Aerorand, gee hiermee ingevolge artikel 94(1)(a) & (2)(a) Hoofstuk 6 van die Steve Tshwete Ruimtelike Beplanning en Grondgebruikbestuur bywet, 2016 kennis dat ons by die Steve Tshwete Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die Steve Tshwete Dorpsbeplanningskema, 2004, deur die herosenering van bogenoemde eiendom geleë te Lebombostraat 37, Aerorand vanaf "Residensieel 1" na "Residensieel 3" vir die doel van 'n Gastehuis soos uiteengesit in die bylaag. Geskrewe kommentaar of besware ten opsigte van die aansoek en die gronde van die besware of verhoë met volledige kontakbesonderhede moet skriftelik ingedien word by die Munisipale Bestuurder, Posbus 14, Middelburg, 1050 binne 30 dae vanaf 29 Maart 2019, waar die laaste dag van kommentaar 2 Mei 2019 is (30 dae na eerste datum van publikasie) soos uiteengesit in Artikel 99 van die Steve Tshwete Ruimtelike Beplanning en Grondgebruikbestuur bywet, 2016. Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Steve Tshwete Plaaslike Munisipaliteit, Munisipale Gebou, Hoek van Wandererslaan, Middelburg, 1050, Tel: 013 249 7000, vir 'n tydperk van 30 dae vanaf 29 Maart 2019. Navrae kan gerig word aan Mnr Meshack Mahamba, Hoof van Stadsbeplanning en Menslike Nedersettings by telefoonnommer 013 – 249 7000. Enige persoon wat nie kan lees of skryf nie mag enige personeellid van die kantoor van die Senior Bestuurder: Stadsbeplanning en Menslike Nedersettings gedurende kantoor ure raadpleeg en bystand sal aan sodanige persoon verleen word om die beswaar of kommentaar saam te stel.

Adres van Applicant: 7 Doleriet Singel, Aerorand, 1070, Posbus 11677, Aerorand, Middelburg, 1070, Tel: 013-244 1598, Faks: 013 244 1560, email: mail@urbanmbg.co.za

29-5

# PROCLAMATION • PROKLAMASIE

## PROCLAMATION 11 OF 2019

Notice is hereby given by Mbombela Local Municipality in terms of Section 13 of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), read with Section 162 of the Constitution of the Republic of South Africa Act, 1998 (Act No. 108 of 1996), of the City of Mbombela by-law for the control of outdoor advertising.

### CITY OF MBOMBELA BY-LAW FOR THE CONTROL OF OUTDOOR ADVERTISING, 2019

#### PART A: INTRODUCTORY PROVISIONS

##### 1. DEFINITIONS

In these by-laws, unless the context indicates otherwise, any word or expression defined in the South African Manual for Outdoor Advertising Control, has the same meaning when used in these By-laws, and - :

**“adopt a spot sponsorship advertising sign”** means an advertisement placed in terms of the “adopt a spot” policy as approved by Council.

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

**“advertisement for sale of goods or livestock”** means an advertisement announcing such a sale on land or premises not normally used for commercial purposes and may include an advertisement announcing auctions of household goods on residential properties, or livestock or game on farms;

**“advertisement for sponsored road traffic projects”** means an advertisement relating to the sponsoring of a specific project aimed at the provision of road services, the promotion of road safety or the management and conservation of roadside environments;

**“advertisement on street furniture”** means a poster which does not exceed 2,2 m<sup>2</sup> in area, which is attached to street furniture and which has been approved by the Municipality;

**“advertiser”** means the person or organization whose product or service is being advertised, or whose name or image is mentioned or promoted in an advertisement;

**“advertising”** means the act or process of notifying, warning, informing, making known or any other act of transferring information in a visible manner;

**“advertising sign”** means any screen, fence, wall, device or any other physical structure or object erected to display an advertisement or which is in itself an advertisement or used to display an advertisement;

**“advertising structure”** means any physical structure erected to display an advertisement;

**“aerial advertisement”** means an advertisement that is exhibited, displayed or performed in the air with the aid of balloons, searchlights, aircraft or similar means;

**“approved”** means approved by the Municipality and, **“approval”** has a corresponding meaning;

**“arcade”** means a pedestrian thoroughfare whether or not located at ground level passing wholly or partly through a building or buildings and to which the public normally has regular and unrestricted access;

**“arterial road”** means a road which in the opinion of the Municipality functions as a main carrier of traffic within an urban area;

**“animated”** means the visibility or message of an advertisement is enhanced by means of moving units, flashing lights or similar devices, or that an advertisement contains a variable message;

**“area of advertisement”** means the area in square metres of the smallest rectangle that will encompass the extreme limits of the advertisement or combined advertisement, together with any material or colour forming an integral part of the background of the advertisement or used to differentiate the advertisement from the structure or building against which it is placed;

**“areas of maximum control”** means natural area, rural areas and urban areas of maximum control.

**“balcony or under awning advertisement”** means an advertisement-

- (a) affixed flat onto or painted on a parapet wall, balustrade or railing;
- (b) affixed flat on or painted on a fascia;
- (c) affixed flat or painted on the fascia or a roof structure without walls;
- (d) affixed to or painted on a pillar, column or post supporting a roof structure without walls;
- (e) painted or printed on the fabric of a blind;

**“banner”** means a piece of cloth (or similar material), maximum 6m<sup>2</sup>, upon which an advertisement is displayed in such a manner as to be fully legible in windless conditions, attached to one or more ropes, poles or flag staffs projecting vertically, horizontally or at an angle, or attached to buildings or to special structures, but excludes banners carried as part of a procession;

**“billboard”** means any screen or board larger than 4,5m<sup>2</sup>, supported by a free standing structure, which is to be used or intended to be used for the purpose of posting, displaying or exhibiting an advertisement and which is also commonly known as an advertising hoarding. The main function of a billboard is to advertise non-locality bound products, activities or services;

**“bit”** means the basic unit for measuring the length of advertising messages and may consist of letters, digits, symbols, logos, graphics or abbreviations. For the purposes of these regulations bit values shall be calculated as follows:

Words of up to eight letters, inclusive	1,0 bit
Words of more than eight letters	2,0 bit
Numbers of up to four digits, inclusive	0,5 bit
Numbers of five to eight digits	1,0 bit
Symbol or abbreviation	0,5 bit
Large logos and graphics	2,0 bit

**“candela”** means a unit of luminance as determined from time to time by the International Commission on Illumination.

**“centre of economic activity”** means an enterprise or a group of enterprises outside of urban areas and which may include farm stalls, service facilities, accommodation facilities, food services, industries and cottage industries, as well as shops and other commercial facilities.

**“clear height”** means the minimum vertical distance from the ground, road or surface level, as the case may be, to the advertisement.

**“charge determined by the Municipality”** means the appropriate charge either fixed as set forth in these by-laws or reviewed and determined annually by the Municipality;

**“combination advertising sign”** means an advertisement comprising a number of smaller, individual advertisements, usually displaying different products or services, placed next to each other on a single structure specifically designed to accommodate more than one advertisement.

**“construction site advertising sign”** means an advertisement affixed flat against or on top of a fence or wall forming the boundary of a construction site;

**“directional sign”** means a sign indicating the way to any place, undertaking or activity for the purpose of advertising or attracting public attention as contemplated in the definition of “advertisement”

**“development advertising sign”** means an advertising sign describing (including pictorial representation of) the type of development being carried out on a construction site;

**“educational institutions”** means any primary or secondary or tertiary educational institution;

**“electronic billboard”** means a billboard which has an electronically controlled, illuminated display surface which allows all or a portion of the advertisement to be changed. Animated or illuminated in different ways

**“electronic sign”** means a sign not exceeding 4,5 m<sup>2</sup> in sign area which has an electronically controlled, illuminated display surface which allows all or a portion of the sign to be changed, animated or illuminated in different ways;

**“engineer”** means an engineer registered in terms of the Engineering Profession of South Africa Act, 1990 (Act No. 114 of 1990);

**“entertainment area”** means an area the main purpose of which is to be used as a park, sports field, barbecue area or for other recreational purposes;

**“erf”** means an erf, stand, lot, plot, agricultural holding or similar land entity registered in a deed registry;

**“exhibition”** means any exhibition of public interest that a recognised show or other association, state department or institution presents where there is more than one exhibitor, excluding show houses and exhibitions promoted by companies or individual institutions that wish to introduce their products to the public;

**“estate agents’ board”** means an advertisement that are temporarily displayed to advertise the fact that land, premises, development or other forms of fixed property are for sale or to let and includes a private seller;

**“flag”** means a piece of cloth (or similar material) upon which an advertisement is displayed and which is attached to a single rope, pole or flag staff projecting vertically in such a way that its contents are normally not readable in windless conditions. Flags exclude:

- (a) national flags that do not carry any advertisement in addition to the design of the flag or flag staff, and
- (b) flags carried as part of a procession;

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

**“forecourt advertising sign”** means an advertising sign on a forecourt of business premises, being an advertisement displayed in such forecourt to draw attention to commercial services, goods for sale or other services available at the premises, but does not include a combination advertising sign at a filling station or roadside service area;

**“free standing sign”** means a sign that stands on its own or has its own support and is not attached to any building or does not form part of or is not an integral part of an architectural element or structure;

**“flashing sign”** means a sign in which a symbol, figure, message or illustration intermittently appears and/or disappears and/or is illuminated with light of varying colour or intensity;

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

**“freeway”** means a national road that has been designated as a freeway by an appropriate road traffic sign in terms of the National Road Traffic Act;

**“functional public advertisement”** means an advertisement displayed only for announcement or direction of the functions of municipalities or parastatal bodies that cannot be displayed under any other class of advertisement;

**“gantry billboard”** means a billboard fixed to an overhead structure, spanning or partially spanning a road;

**“gore”** means the area immediately beyond the divergence of two roadways, bounded by the edges of those roadways;

**“height”** means the maximum vertical distance from the ground, road surface, or surface level to the top of the advertising sign;

**“height zone”** means a “zone” indicating restrictions as to the height of buildings;

**“illuminated”** in relation to an advertisement means that it has been installed with electrical or other power for the purpose of illuminating it, either continuously or intermittently;

**“large billboard”** means any billboard ranging in size from 18 m<sup>2</sup> to 36 m<sup>2</sup> in area of advertising sign;

**“electronic billboard”** means an advertising sign that is an electronic billboard not exceeding 20 m<sup>2</sup> in area;

**“light not intended for illumination”** means a flashing, flickering or continuous light source, beam of light or a number of such sources or beams, aimed or moved in such a manner as to attract attention, without being primarily for the purpose of illuminating an area or object;

**“locality bound”** means an advertisement displayed on a specific erf or premises and referring to an activity, product, service or attraction located, rendered or provided on that erf or those premises or inside that building;

**“m”** means metre;

**“mm”** means millimetre;

**“mobile or transit sign”** means an advertisement attached to or displayed on a vehicle vessel or craft on land, on water or in the air.

**“municipal area”** means the jurisdiction area of the Municipality;

**“Municipality”** means the **“City of Mbombela (COM)”** or any officials, committee or employees of the Municipality to whom any of its powers under these By-laws has been delegated to, in terms of the provisions of Part 3, section 59 of the Local Government: Municipal Systems Act 32 of 2000;

**“National Road Traffic Act”** means the National Road Traffic Act, 1996 (Act 93 of 1996);

**“natural area”** means an area of the rural or non-urban environment which is in an unspoilt natural state or is of high scenic value, and includes, but is not limited to national parks, game reserves, nature reserves, marine reserves, wilderness areas, areas of extensive agricultural and scenic areas;

**“on-premises business advertising sign”** means an advertising sign aimed at identifying and locating business enterprises and industries, and excludes a residential or community advertising sign;

**“owner”** in relation to an advertisement means the person who owns the advertising structure, or will own the structure once it has been erected, or any person who has a right to or share in the ownership of the advertising structure;

**“outdoor advertising”** means the act or process of notifying, warning, informing, making known or any other act of transferring information in a visible manner and which takes place out of doors;

**“performing arts”** means any live entertainment and / or performances performed by artists or entertainers;

**"permanent sign"** means a sign that may be displayed for a maximum of five years or any other period approved by the Municipality;

**"policy"** means the By-laws for the Control of Outdoor Advertising, the South African Manual for Outdoor Advertising Control (SAMOAC), the relevant Town Planning Schemes applicable in the municipal area, the application of the National Building Standards Act, 1977 (Act 103 of 1977), Council resolutions and the relevant departmental policy and /or guidelines.

**"poster"** 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 parliament, the local government or similar body or to a referendum;

**"product replica or three-dimensional advertising sign"** is a replica or device used for advertising that may be free-standing or attached to a structure, and includes an inflatable object that is not an aerial advertisement;

**"project board"** means an advertising sign displaying the involvement of a contractor or consultant in a construction project;

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

**"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 municipal area;

**"pylon sign"** means any sign whether stationery or actuated, displayed on or forming an integral part of a pylon, mast, tower or similar structure other than a building or an advertising hoarding;

**"residential or community advertising signs"** includes a variety of small notices and advertising signs displayed on premises used for residential – orientated purposes and for community services, and include advertising signs in urban areas and also on places of residence in natural and rural areas, but are limited to-

- (a) identification, direction and warning signs with regard to residence, for example:
  - (i) names of houses, flat complexes, farms and smallholdings;
  - (ii) signs such as "beware of the dog", "no parking" and "close the gate";
  - (iii) signs indicating the nature of or main activity on farms and smallholdings;
- (b) signs showing the name or nature of the business, practice or enterprise or the owners or practitioners of small businesses, enterprises and practices in urban residential premises and buildings constructed or used for community purposes or premises on urban, but not rural, smallholdings;
- (c) signs showing the name and nature of the facility or of the proprietor or partners, on small scale accommodation facilities;
- (d) signs showing the name and nature of the institution, the names of practitioners and nature and extent of services on community services and institutions, such as religious, cultural, educational and recreational institutions and medical institutions related to those purposes;

**"road island"** means an area demarcated on a roadway by means of painted lines, stones, kerbs or by other means with the intention of preventing vehicles from standing or being operated in that area;

**"road median"** means the area separating traffic lanes on a roadway;

**"road reserve"** means the full width of a national, provincial or existing public road, and includes roadways, shoulders, and sidewalks and the air space above such roadways, shoulders and sidewalks and all other areas within the road reserve boundary;

**"road reserve boundary"** means the proclaimed boundary forming the outer edge of the road reserve;

**"roadside service area"** means an area with direct access from a national road in which facilities and services such as petrol and diesel sales, restaurants, fast food outlets, toilets, playgrounds and picnic spots may be provided for motorists;

**"road traffic sign"** means any road traffic sign as defined in the National Road Traffic Act and the Road Traffic Ordinance, 1966 (Ordinance 21 of 1966);

**"roadway"** means a roadway as defined in the National Road Traffic Act;

**"roof sign"** means a sign on the main roof of a building lower than the height zone of a building and which building is used or partly used for commercial, office, industrial or entertainment purposes;

**"rotating sign"** means a sign which rotates about any axis;



**“rural area”** means an area forming a transition between urban areas and unspoilt natural areas and includes intensive agricultural, subsistence agriculture and peri-urban small holdings of a predominantly rural nature and with relatively low population densities;

**“SAMOAC”** means the South African Manual for Outdoor Advertising Control compiled and published by the Department of Environmental Affairs and Tourism in conjunction with the Department of Transport, April 1998.

**“security advertisement”** means an outdoor advertisement for neighbourhood watch, farm watch and similar schemes, and an advertisement containing the name, address and telephone number of a security company contracted to protect the premises on which the advertisement is displayed;

**“service facility advertising sign”** means an advertising sign at a filling station or roadside rest and service area;

**“shoulder”** means the shoulder of a national road, provincial road or existing public road as defined in the National Road Traffic Act, the Road Traffic Ordinance or the relevant Town Planning Scheme.

**“sidewalk”** means a sidewalk of a national road, provincial road or existing public road as defined in the National Road Traffic Act, Road Traffic Ordinance or relevant Town Planning Scheme.

**“sidewalk poster or notice”** means a temporary advertisement attached to an electrical light standard within a road reserve to advertise public and charitable events, functions, occasions, meetings or campaigns of a religious, educational, cultural, political, social, sporting or recreational nature, and includes a poster displayed for an election or referendum campaign;

**“sign”** means any device or article with writing, letters, numbers or illustrations on it, or a non-physical sign projected on buildings or any other structure or in the air with the aid of modern technology (e.g. laser beams), which device, article or non-physical sign is visibly displayed in any way whatsoever from a street or public place for the purpose of advertising, providing information, or attracting the public to any place for the purpose of advertising, providing information, or attracting the public to any place, public display, article or merchandise for sale, and the surface or structure of such device, article or non-physical sign is attached to or forms part of a building, or is fixed to the ground or to a pole, tree, screen or boarding, or is displayed in any other way, excluding information on the commodities that are exhibited;

**“sign for sale of goods or livestock”** means a sign announcing such a sale on land or premises not normally used for commercial purposes and shall include a sign announcing auctions of household goods on residential properties, or livestock or game on farms;

**“sky sign”** means a very large sign between 75m<sup>2</sup> to 300m<sup>2</sup> on top of a skyscraper in a metropolitan area that is erected or placed on the same level as or above the gutters, parapets or any other part of the roof of a building, or that extends from the gutters, parapets or any other part of the roof of a building, excluding a sign that is painted on the roof of a building;

**“small billboard”** means a billboard smaller than 18 m<sup>2</sup> in area of advertisement;

**“sponsored road traffic project”** means a project specifically intended for the benefit of road users involving the provision of road services, the promotion of road safety or the management and conservation of road environments, agreed to between the Municipality and the sponsor of the sponsored road traffic project;

**“street furniture”** means public facilities and structures which are not intended primarily for advertising and includes seating benches, planters, sidewalk litter bins, pole mounted bins, bus shelters, sidewalk clocks and drinking fountains, but excludes road traffic signs, traffic lights, street lights or any other road-related structures;

**“street name advertising sign”** means a pole-mounted advertising sign that may be illuminated, that is displayed in combination with a street name sign

**“streetscaping” or “streetscape”** means the coherence between street furniture and other features on a national road, provincial road or existing public road;

**“street pole advertisement” means any advertisement displayed on a street lighting post**

**“suburban advertising sign”** means a pole mounted location advertising sign at the entrance to a town or suburb that carries an advertising sign beneath the road traffic sign bearing the name of the town or suburb;

**“super billboard”** means a massive billboard larger than 36 m<sup>2</sup> but not exceeding 81 m<sup>2</sup>;

**“storey”** means that space within a building which is situated between one floor level and the next floor level above or ceiling or roof above;

**“street”** means any street, road or thoroughfare shown on a general plan of a township, agricultural 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 Municipality;

**“temporary sign”** means a sign that may be displayed for a maximum of 14 days or any other period approved by the Municipality;

**“the person”** means a lessor, a lessee, a legal or illegal occupant or a usufructuary of private, State or Municipal land on which a sign was or is being erected and/or displayed, or the individual in whose name the land on which a sign was or is being erected and/or displayed, as the case may be, is registered in the Deeds Office, and if the Municipality is unable to determine the identity of the owner, an individual who is entitled to the benefit of the erection and/or display and/or use of the sign or who enjoys such benefit, or the person’s authorised agent, and “the person” in the above context includes both a natural and a legal person;

**“tourism sign”** means a road traffic sign having a trapezoidal shape and white on brown colour, the main objective of which is to inform and guide tourists in the final stages of their journeys;

**“tower, bridge and pylon advertising sign”** means a billboard affixed to or painted on a tower, bridge or pylon that is not used primarily for advertising purposes;

**“tower structure”** means a structure used for advertising in a parking area of a shopping centre and at an important transport node such as an airport, railway station or bus or taxi station;

**“traffic sign”** means a road traffic sign or signal contemplated in the National Road Traffic Act or a rail traffic sign or signal;

**“trailer advertising”** means any transport trailer that is used for the purpose of advertising;

**“urban area”** means a human settlement with a population of more than 2500 people.

**“urban areas of maximum control”** include, but are not limited to, natural open spaces and urban conservation areas, interface of natural landscape with built-up areas, bodies of water, rivers, ridges, forests, open recreational areas, characteristic vistas, heritage sites or buildings, special tourist areas, skylines, residential areas, and visual zones along freeways in urban areas, unless the Municipality, after obtaining a strategic environmental assessment designates areas along such freeways as areas of partial or minimum control;

**“urban areas of minimum control”** are areas which require minimum control such as areas of concentrated economic activity where business is the main focus, commercial districts, central shopping centres, central office precincts, commercial enclaves and shopping centres in industrial areas and industrial parks, entertainment districts or complexes and prominent transport nodes excluding nodes of an exceptional historical or architectural value;

**“urban areas of partial control”** are areas characterised by a greater degree of integration and complexity of land use which require a lesser degree of control, such as high density residential areas, in transition and residential areas where office and commercial encroachment have taken place and low density suburbs, small commercial enclaves in residential areas, suburban shopping centres and office parks, ribbon development along main streets, educational institutions, sports fields or stadia, commercial squares, government enclaves and smallholdings of an urban nature with a higher population density than rural small holdings;

**“vehicular advertising”** means advertising on self-driven vehicles which are normally driven on land or water and which are normally moving.

**“vehicle”** means a motor vehicle as defined in the National Road Traffic Act or the Road Traffic Ordinance.

**“veranda”** 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; and

**“visual zone”** refers to a zone considered to be an area of maximum control, visible from an urban freeway, extending a distance of 250 metres in any direction from the freeway reserve boundary, but which excludes all visually isolated space which cannot be seen from such a freeway;

**“window signs”** means signs of which the area is permanently painted on or attached to the window-glass of a building.

**“zone”** has the meaning assigned to it in the relevant Town Planning Scheme of the Municipality, that is revised from time to time, and “use zones” has the same meaning.

## 2. SCOPE OF THESE BY – LAWS

- (1) These by-laws are designed to regulate outdoor advertising on or visible from public roads within the municipal area, whether or not such sign is erected on private property.
- (2) Unless these by-laws provide specifically that the approval of the Municipality is required for a particular advertising sign, such approval is not required, but all of the conditions of these by-laws applicable to that type of advertising sign must be complied with.

## 3. DESIGNATION OF AREAS

- (1) The Municipality may -
  - (a) Designate areas outside of urban areas as either natural areas or rural areas;

- (b) in urban areas, designate areas as –
  - (i) urban areas of maximum control;
  - (ii) urban areas of partial control;
  - (iii) urban areas of minimum control.

## **PART B: PROVISIONS APPLICABLE TO ALL ADVERTISING SIGNS**

### **4. AMENITY AND DECENCY**

- (1) No sign shall in the opinion of the Municipality –
  - (a) be detrimental to the environment or the amenity of a human living environment by reason of size, shape, colour, texture, intensity of illumination, quality of design or materials or for any other reason;
  - (b) be in its content objectionable, indecent or suggestive of indecency or prejudicial to the public morals; or
  - (c) unreasonably obscure, partially or wholly, any sign owned by another person previously erected and legally displayed.

### **5. SAFETY**

- (1) No advertisement or advertising sign shall, subject to the discretion and approval of the Municipality or the appropriate roads authority –
  - (a) constitute a danger to any person or property;
  - (b) be so placed or contain an element which distracts the attention of drivers in a manner likely to lead to unsafe driving conditions;
  - (c) be illuminated to the extent that it causes discomfort to or inhibits the vision of approaching pedestrians or drivers;
  - (d) be attached to a road traffic sign or signal, combined with a road traffic sign or signal (unless specifically provided for in the South African Road Traffic Signs Manual), obscure a road traffic sign or signal, create confusion with a road traffic sign or signal, interfere with the functioning of a road traffic sign or signal or create a road safety hazard in the opinion of the Municipality or the appropriate roads authority;
  - (e) obscure a pedestrian's or driver's view of pedestrians, road or rail vehicles and features of the road, railway or pavement such as junctions, bends and changes in width;
  - (f) project over a pedestrian or cycle circulation route, unless the clear height of such sign exceeds 2,4m;
  - (g) obstruct fire escapes or means of egress to fire escapes;
  - (h) be placed closer than the minimum clearance with regard to overhead power lines as prescribed by any law;
- (2) Signs or advertisements positioned along roads and specifically targeting the road user shall be concise and legible and shall comply with the following requirements:
  - (a) Street numbers indicating specific premises shall have a minimum size of 150mm and a maximum size of 350mm.
  - (b) No message shall be spread across more than one sign or sign panel.

### **6. DESIGN AND CONSTRUCTION**

- (1) Any sign shall subject to the satisfaction and approval of the Municipality:
  - (a) be neatly and properly constructed and executed and finished in a workmanlike manner;
  - (b) not be detrimental to or have a negative aesthetic impact on the urban design, streetscapes or the character of the surrounding area by way of the design of the structure or device;
  - (c) have a neat appearance and shall consist of durable materials in accordance with the function, nature and permanence of the advertisement, sign or structure and materials such as cloth, canvas, cardboard, paper or synthetic cardboard should be used only when essential to the nature and function of a particular sign;
  - (d) not deface building facades with electrical services provisions and other accessories;
  - (e) be rigidly and securely attached, supported or anchored in a safe manner and so that unwanted movement in any direction is prevented;

- (f) be capable of effectively securing, supporting and maintaining not less than twice its mass with the addition of any force to which the sign may be subjected, including wind pressure;
  - (g) wherever necessary in accordance with the nature of the sign and when attached to brickwork, masonry or concrete, be securely and effectively attached thereto by means of bolts securely embedded in such brickwork, masonry or concrete or passing through the same and secured on the opposite side;
- (2) Any advertiser or contractor shall -
  - (a) not use water soluble adhesive, adhesive tape or similar material to display or secure any sign or advertisement elsewhere than on a billboard, board or any structure provided for this purpose;
  - (b) have all exposed metalwork of any sign painted or otherwise treated to prevent corrosion and all timber treated to prevent decay; and
  - (c) have measures taken to prevent the entry of water into and the accumulation of water or moisture on or in any sign or any part of its supporting framework, brackets or other members.
- (3) All glass used in signs shall -
  - (a) other than glass tubing used in neon and similar signs, be safety glass at least 3mm thick;
  - (b) glass panels used in signs shall not exceed 0,900m<sup>2</sup> in area, each panel being securely fixed in the body of the sign, structure or device independently of all other panels.
- (4) Every illuminated sign and every sign in which electricity is used shall-
  - (a) have power cables and conduit containing electrical conductors positioned and fixed so that they are not unsightly in the opinion of the Municipality;
  - (b) be constructed of material which is not combustible;
  - (c) be provided with an external switch in an accessible position whereby the electricity supply to the sign may be switched off; and
  - (d) be wired and constructed in accordance with and subject to the provisions of the Council's Electricity Code of Practice.
- (5) Damage to property
  - (a) No person shall, in the course of erecting or removing any sign, advertisement structure or device, cause damage to any tree, electrical standard or service or other public installation or property.

## 7. MAINTENANCE

- (1) Any sign shall –
  - (a) where possible, be located at a height that discourage vandalism;
  - (b) be serviced on a regular basis; and
  - (c) be maintained in good repair and in a safe condition and according to the highest standards with regards to quality of structure, posting and sign writing.
- (2) The owner of any land or building on which a sign is displayed or erected, or to which a sign is attached, and the owner of any such sign shall be jointly and severally responsible for the maintenance in a safe and proper condition and for the cleaning and the repainting of any such sign.
- (3) The provisions of the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977, shall apply mutatis mutandis to every sign, advertising board and its supporting structure.

## 8. POSITION

- (1) Signs shall not, except where specifically authorised by these by-laws:-
  - (a) Cause any obstruction to a motorist's view of the roadway or its approaches, regardless of the direction the motorist is travelling;
  - (b) Be positioned on a road island or road median;
  - (c) Be suspended across a road;
  - (d) Be erected within or suspended above a road reserve of main arterial roads;

## 9. ILLUMINATION

- (1) Illumination is permitted on an advertisement only if it does not lead to unsafe driving conditions, and where it is specifically not prohibited;

- (2) The maximum luminance level as determined by the International Commission on Illumination and provided in SAMOAC is permitted.
- (3) The light source emanating from floodlights shall not be visible to traffic travelling in either direction.
- (4) Floodlighting shall be positioned to ensure effective distribution and minimise light wastage or "spill".
- (5) No person shall erect or display any animated or flashing sign, the frequency of the animations or flashes or other intermittent alteration, of which disturbs the residents or occupants of any building or is a source of nuisance to the public.

## **PART C: TYPES OF ADVERTISING SIGNS AND CONDITIONS OF THEIR ERECTION OR DISPLAY**

### **10. ELECTRONIC BILLBOARDS**

- (1) No person may erect an electronic billboard without first obtaining the written approval of the Municipality.
- (2) An environmental impact assessment shall be required for any electronic billboard. Such environmental impact assessment shall include visual, social and traffic safety aspects.
- (3) Any electronic billboard permitted by the Municipality shall not exceed a maximum size of 20m<sup>2</sup> with a maximum height of 7,5m.
- (4) An electronic billboard must be displayed perpendicular to oncoming traffic;
- (5) No electronic billboard shall be erected within a radius of 100 m from the centre of an intersection on an arterial road or within a radius of 200 m from the centre of an intersection on any lower order road in such a manner as to be oriented towards such an intersection.
- (6) No one may erect an electronic billboard in a visual zone in an area other than an urban area of partial or minimum control.
- (7) No more than one electronic billboard shall be allowed on any site and an electronic billboard shall not be erected closer than 500 metres to another electronic billboard.
- (8) The spacing requirements must be in accordance with the spacing of signs as stipulated in clause 12(9).

### **11. SUPER BILLBOARDS**

- (1) Maximum size of each advertising sign on a Super Billboard shall not exceed 81 m<sup>2</sup> for dual face super billboards.
- (2) No person may erect a super billboard without first obtaining the written approval of the Municipality.
- (3) A maximum of only one dual faced super billboards between two intersections shall be permitted.
- (4) No super billboard shall be permitted within a radius of 100 m from the centre of an intersection on an arterial road and within 50m from the centre of an intersection of any lower order road.
- (5) An advertising sign scoping report that includes visual, social and traffic safety aspects shall be required for a super billboard.
- (6) The advertising structure may not be taller than 8,5 m, unless otherwise approved by the Municipality.
- (7) A super billboard may not be animated.
- (8) A super billboard must be placed on base that has been designed and erected to the satisfaction of the Municipality.
- (9) The clear height of the advertising structure should not be less than 2,4 m.
- (10) The spacing requirements must be in accordance with the spacing of signs as stipulated in clause 12(9).

### **12. LARGE BILLBOARDS, GANTRIES AND CUSTOM-MADE BILLBOARDS**

- (1) No person may erect a large billboard, gantries or custom-made billboard without first obtaining the written approval of the Municipality.
- (2) Maximum size of each advertising sign on a gantry shall not exceed 36 m<sup>2</sup> for dual face gantries.
- (3) A maximum of only two dual face billboards, cantilever gantries dual face custom-made billboards between two intersections shall be permitted.
- (5) A large billboard or custom-made billboard permitted by the Municipality shall not exceed a maximum of 81 m<sup>2</sup> and a maximum height of 9 m from ground level, with a clear height of 2,4 m.
- (6) A large billboard or custom-made billboard shall be displayed perpendicular to or at an angle of 30° to the direction of on-coming traffic.

- (7) No large billboard, gantries or custom-made billboard shall be permitted within a radius of 100 m from the centre of an intersection on an arterial road and within 50 m from the centre of an intersection of any lower order road.
- (8) No more than one large billboard, gantries or custom-made billboard shall be allowed on any site.
- (9) A large billboard, gantries or custom-made billboard shall be spaced as follows:

On an urban freeway or expressway or arterial road where a speed limit of more than 80 km/hour has been imposed	At least 250 metres apart and at least 250 metres from any product replica or three dimensional sign when in view of each other or of such product replica or three dimensional sign and on the same side of the road, and at least 200m from any road traffic sign.
On an urban freeway or expressway or arterial road where a speed limit of more than 60 and up to 80 km/hour has been imposed	At least 200 metres apart and at least 200 metres from any product replica or three dimensional sign when in view of each other or of such product replica or three dimensional sign and on the same side of a road, and at least 100 m from any road traffic sign.
On an urban freeway or expressway or arterial road where a speed limit of 60 km/hour or less has been imposed	At least 120 metres apart and at least 120 metres from any product replica or three dimensional sign when in view of each other or of such product replica or three dimensional sign and on the same side of a road, and at least 50 m from any road traffic sign.

#### 13. SMALL BILLBOARDS AND TOWER STRUCTURES

- (1) No person may erect a small billboard or tower structure without first obtaining the written approval of the Municipality.
- (2) A small billboard or tower structure shall not exceed a maximum size of 18 m<sup>2</sup> and a maximum height of 4 m and shall have a clear height of not less than 2,4 m.
- (3) Small billboards and tower structures shall be permitted only in urban areas of minimum and partial control.
- (4) No panel of a tower structure shall exceed a maximum size of 4,5 m<sup>2</sup> and the clear height of a tower structure shall not be less than 2,4 m with a maximum height of 5 m from ground level;
- (5) Small billboards and tower structures shall primarily be aimed at users within the activity centre;
- (6) Small billboards and tower structures must harmonize aesthetically with buildings and streetscapes.

#### 14. ADVERTISEMENTS ON STREET FURNITURE

Street furniture signs:

- (1) are not allowed in natural or rural areas;
- (2) shall not be placed so as to obstruct pedestrian movement;
- (3) shall require the specific consent of the Municipality;
- (4) may be illuminated but not animated;
- (5) may not be displayed on a road median or road island;
- (6) shall not exceed 2,2 m<sup>2</sup> in area of advertising sign;
- (7) may be used for commercial advertising;

#### 15. BANNERS

- (1) A banner may be used only for-
  - (a) Advertising of functions or events conducted for religious, educational, social, welfare, animal welfare, sporting, civic, cultural or performing arts purposes or functions relating to municipal, provincial or parliamentary elections or referenda;

- (b) Locality-bound advertisement displaying of the name and nature of enterprise;
- (c) Streetscaping urban areas such as pedestrian malls and gateways;
- (d) Non locality-bound advertising of functions or events at locations specified by the Municipality.
- (2) A banner is not permitted in a natural area;
- (3) Banners mentioned under (1)(c) and (d) shall not be displayed without the written approval of the Municipality, subject to such conditions, as the Municipality may deem expedient;
- (4) Every person to whom permission has been granted in terms of subsection (1)(d) for the display of an advertisement on a banner shall ensure that the following requirements are complied with:
  - a) Banners may be permitted at intersections in urban areas as defined in terms of municipal policy;
  - b) Not more than four (4) banners per identified road intersection shall be displayed in respect of one function or event and for the purpose of this subsection an "intersection" means all four corners of the intersection excluding the median;
  - c) Not more than one banner per corner of the intersection shall be displayed;
  - d) Every banner shall be attached to or suspended between poles to be provided by the applicant;
  - e) Every banner shall be attached so as not to interfere with or constitute a danger to passing vehicular or pedestrian traffic; and
  - f) No banner shall be displayed for more than two weeks before the date of the function or event advertised, nor shall any such advertisement be permitted to remain in position for more than one day after the conclusion of such function or event;
  - g) A banner shall be a maximum of 3 meters wide and 2 meters high;
  - h) A banner must bear an official stamp or sticker from the Municipality, which displays the expiry date prominently, and may not be displayed without such a stamp or sticker;
  - i) The advertising of commercial products, services or events by means of a banner is prohibited;
  - j) A banner for the advertising of live entertainment, or performing arts functions, or events is permitted subject to specific consent of the Municipality and provided that the wording to advertise the venue of such function or event shall be less conspicuous than the name of the live entertainer or performance artist and may not exceed 20% of the banner;
  - k) The lettering and artwork used must be approved by the Municipality and may only show the date of the event, type of event, venue, telephone number and the name of the performing artist, or the type of entertainment. The lettering must be printed in a size, and font, which is easily readable by passing motorists. No pictures, logos or sponsor names or e-mail addresses are allowed on banners;
- (5) The Municipality may enter into a concession agreement with a private institution in respect of the control of banners mentioned under (1)(c) and (d), subject to the provisions of these by-laws;

#### 16. FLAGS

- (1) A flag may be used only for-
  - (a) locality-bound advertising of functions or events conducted for religious, educational, social, welfare, sporting, civic, cultural or performing arts purposes, or functions, or events relating to municipal, provincial or parliamentary elections or referenda;
  - (b) locality-bound advertisements displaying of the name, corporate symbol and nature of enterprises;
  - (c) street scaping urban areas such as pedestrian malls and gateways;
  - (d) non-locality bound advertisements, or campaigns, or events at locations specified by the Municipality;
- (2) No flags shall be displayed without the written approval of the Municipality;
- (3) A flag is not permitted in a natural area;
- (4) The lowest point of a flag displayed in terms of (1)(d) may not be lower than two-thirds of the vertical length of the pole;
- (5) A flag may not be attached in such a manner as to interfere with or constitutes a danger to passing pedestrians or traffic;

- (6) A maximum of only twenty (20) flags shall be permitted per shopping centre, ten (10) at any other service facility or business stands;
- (7) The Municipality may enter into a concession agreement with a private institution in respect of the control of flags mentioned under (1)(c) and (d), subject to the provisions of these by-laws;
- (8) Flags may not be used to advertise any product.

#### 17. SUBURBAN ADVERTISING SIGNS

- (1) No suburban advertising sign shall be displayed without the written approval of the Municipality, subject to such conditions, as the Municipality may deem expedient.
- (2) A suburban advertising sign must be rectangular, and must be not more than 0,4 metres in height and not wider than the suburb name sign. It must be less conspicuous than the suburb name sign.
- (3) A suburban advertising sign may not bear colours that may cause confusion with road traffic signs and may not be illuminated or animated.
- (4) Suburban advertising signs must comply with the requirements of the suburb name GL2 sign as prescribed in the National Road Traffic Act.

#### 18. ESTATE AGENTS' BOARDS

- (1) An estate agents' board may not contain information other than the words "for sale", "to let" or "sold", "sole mandate" and the name, logo, and telephone number of the selling or letting agent. (*No photographs are allowed on any Estate Agent boards*).
- (2) An estate agents' board is permissible in any area, but not more than one such board per estate agent may be erected on any erf and not more than three agents may display their boards simultaneously on the same erf and six boards in front of a complex.
- (3) An estate agents' board may only be a single board or two duplicate boards joined together.
- (4) The maximum size of an estate agents' board shall be-

Natural and rural areas	2,0m <sup>2</sup>
Urban Areas of maximum or partial control	0,55m <sup>2</sup>
Urban Areas of minimum control	2,0m <sup>2</sup>

- (5) An estate agents' board must be attached to the boundary fence of the property concerned or displayed within the boundaries of premises.
- (6) An estate agents' board must be removed not later than 30 days after conclusion of a contract of sale or lease of the property in question.
- (7) No animation of estate agents' board is allowed.

#### 19. TEMPORARY DIRECTION INDICATORS FOR SHOW HOUSES

- (1) Only an estate agent, who is a registered member of the recognised Estate Agent's Board or institute, may display direction indicators for show houses;
- (2) Direction boards indicating the position of a property (known as "trail blazer boards"), shall be permitted subject to the following:
  - (a) Direction signs to show houses may be displayed over weekends only from Friday 06h00 until Monday morning 10h00 and in the case of public holidays from 6h00 to 18h00 on the public holiday, as well as on Wednesdays from 06h00 to 18h00;
  - (a) Each face of a sign shall not be larger than 600mm x 600mm;
  - (b) The selling or letting agent shall not display more than 15 signs per show house or property, irrespective of the number of routes to the show house or property of which such signs may be double-sided;
  - (c) No signs shall be displayed on the N4/7 National Road;
  - (d) Direction signs shall:
    - i) not be displayed on the middle island of all roads;
    - ii) be displayed within a maximum distance of 20 metres from an intersection;
    - iii) be displayed at a minimum distance of 5 m from such intersection, 2 m from edge of kerb, with a maximum height of one metre; provided that only one indicator (per direction) per estate agent shall be permitted;



- (e) Signs shall use only an arrow to indicate the direction of the show premises;
  - (f) Only the estate agent's name/*telephone number* and the words "show house/ skouhuis" shall appear on the signs; No description of the development will be allowed on the trail blazer boards.
  - (g) The selling or letting agent shall obtain the approval from the Municipality to display any sign by paying the described fee annually. Annual year is from 1<sup>st</sup> July to 30<sup>th</sup> June or part of the year, before being allowed to erect signs in the municipal area;
  - (h) Private sellers shall apply for a specific consent from the Council to display estate agent's boards.
  - (i) An approval fee as determined from time to time by the Municipality is payable annually;
  - (j) The selling or letting agent who disregards any of the restrictions forfeits the approval and the fee, and the agent, his / her principal and / or agency will be considered as not being allowed to erect any advertisement or sign.
  - (k) No signs shall be placed on traffic circles, traffic medians, traffic islands, traffic lights, road traffic signs, power masts, trees, pillars, fencing, electrical substations, bridges or any similar structures;
- (3) The Municipality may, without prior notice to anybody, remove any temporary advertisement in respect of the sale or letting of immovable property, which is erected in contravention of these by-laws, and the person who displayed the advertisement or permitted or allowed it to be displayed, will be responsible for the costs of removal.
- (4) The Municipality may withdraw / cancel an agent's right to display direction boards if, in the opinion of the Municipality, the agent fails to comply with the provision of these by-laws.

20. ADVERTISEMENTS FOR SALE OF GOODS

- (1) Only one advertisement for sale of goods per sale shall be allowed.
- (2) The size of such an advertisement may not exceed 2 m<sup>2</sup> in a natural or rural area or an urban area of maximum or partial control, and 2,8 m<sup>2</sup> in an urban area of minimum control, and no part of the advertisement shall be higher than three metres above the ground.
- (3) Such an advertisement may be displayed only on the premises or property where the advertised sale is to take place, or be attached to the boundary fence of such a property or premises.
- (4) No illumination or animation of such an advertisement shall be allowed.
- (5) Such an advertisement may be erected no earlier than one day before the sale in question and must be removed not later than one day after such sale, and advertisements of a permanent nature are not allowed.
- (6) No roof sign advertisements for sale of goods are allowed.

21. AUCTION POSTERS

- (1) Auction posters shall not be larger than 900 mm x 600 mm.
- (2) Auction posters require specific consent of the Municipality.
- (3) Auction posters shall only be displayed for 7 days prior to and including the date of the auction.
- (4) Only one auction poster per street block is allowed, with a maximum of 14 signs per auction.
- (5) No auction poster shall be displayed on a road intersection but shall be placed at least 50 m from the intersection.
- (6) In the case of a liquidation auction, a copy of the relevant court order with the case number must accompany the application for consent. The case number must be clearly displayed at the bottom of the sign;
- (7) Auction posters shall not be higher than 1 m and shall not cause an obstruction or pose a danger to pedestrian- or other traffic.
- (8) Auction posters shall use an arrow to indicate the direction of the auction.
- (9) The auctioneer's name, the word "auction" and details of the auction must appear on the signs.
- (10) All information on the poster shall have a minimum letter size of 50 mm (including the lower case letter size).
- (11) No signs shall be placed on tarred or paved surfaces, traffic circles, traffic medians, traffic islands, traffic lights, road traffic signs, power masts, trees, pillars, fencing, electrical substations, bridges or any similar structures.

- (12) Only auctions within the Municipal area of Mbombela Municipality may be advertised

22. POSTERS

- (1) A poster may not exceed a size of 600 mm x 1 m in area.
- (2) No Political Party may erect a poster without first obtaining the written approval of the Municipality;
- (3) A poster may not be attached or affixed to a road traffic sign or a signal, wall, column or post of a veranda or balcony, electricity box, tree or a bridge.
- (4) A poster may not be illuminated or animated.
- (5) In the case of election or referendum, not more than three posters per traffic direction per political party per pole shall be allowed.
- (6) A Political Party displaying a poster must pay a deposit and application fee to the Municipality. Should the political party not conform to the above, the deposit would be used to enable the Municipality to remove the advertisement. If the owner concerned removes the advertisements as prescribed, deposits would be refunded.
- (7) A poster, except for an election or referendum poster, must bear an official stamp or sticker from the Municipality which displays the expiry date prominently, and may not be displayed without such a stamp or sticker.
- (8) A parliamentary, provincial or municipal election or referendum poster may not be erected before the date on which the notice or proclamation in the *Government Gazette* or Provincial Gazette announcing the election or referendum is published and must be removed not later than 7 days after the date of the election or referendum.
- (9) The advertising of commercial products, services or events by means of a poster is prohibited, unless it is in a frame of an appointed service provider which has an agreement entered into with Council.
- (10) Only election posters and events presented by the Municipality and Provincial Government may be displayed if approved by the Municipality.

23. PROJECT BOARDS

- (1) A project board must be approved by the relevant developer or employer, and may display only:
  - (a) a description of the building or structure being erected or other work or activity being carried out;
  - (b) the names and the company symbols or logos of the contractors or consultants;
  - (c) the branches of their industry or profession;
  - (d) a description of the development being carried out;
- (2) Only one combined project board listing contractors and consultants shall be allowed per street front of a site.
- (3) A project board shall not exceed 1,5 m<sup>2</sup> in area of advertisement per consultant or contractor, and may not exceed a total area of 12 m<sup>2</sup>.
- (4) A project board may be erected on a road reserve, only if there is insufficient space on the development site, but a board concerning road construction may be positioned in any road reserve.
- (5) A project board may not be illuminated or animated.
- (6) A project board may be displayed only while the relevant works are actually taking place on the site and until such time that an occupation certificate has been issued.
- (7) The words "To Let" or "For Sale" may not appear on the project board.

24. DEVELOPMENT ADVERTISING SIGNS

- (1) No person may erect a development advertising sign board without first obtaining the written approval of the Municipality.
- (2) The words "To Let" or "For Sale" may not be the dominant message of the sign.
- (3) A development advertising sign board must be approved by the relevant developer or employer, and may display only:-
  - (a) a description of the building or structure being erected or other work or activity being carried out;
  - (b) a description of the development being carried out;

- (c) where relevant, details of the name, address and telephone number of the developer or the agent of the developer;
- (4) Only one advertising sign per street front describing the type of development shall be allowed. No person may erect such an advertising sign without first obtaining the written approval of the Municipality.
- (5) An advertising sign describing a type of development may not exceed three metres in height. It may not exceed 12 m<sup>2</sup> in area of advertisement.
- (6) Development advertising signs may be illuminated but not animated.
- (7) A development advertising sign may only be displayed for a maximum period of one year after the date of approval of such development, after written approval of the Municipality has been obtained.

25. CONSTRUCTION SITE ADVERTISING SIGNS

- (1) A construction site advertising sign is permitted in all areas of control.
- (2) No person may erect or display a construction site advertising sign without first obtaining the written approval of the Municipality, unless the advertising sign does not exceed 6,0 m<sup>2</sup> in size.
- (3) Construction site advertising signs may be erected only for the duration of the relevant construction works.
- (4) Construction site advertising signs may not exceed a vertical dimension of 3,0 metres and a total area of advertisement of 18 m<sup>2</sup>.
- (5) Construction site advertising signs may be illuminated but not animated.

26. STREET NAME ADVERTISING SIGNS

- (1) A street name advertising sign shall be permitted only in an urban area on a road other than a freeway.
- (2) A street name advertising sign, which omits the street name, shall not be permitted.
- (3) No one may erect a street name advertising sign without first obtaining the written approval of the Municipality.
- (4) Where illuminated, the illuminated portion of the advertisement must be above the level of standard pole-mounted traffic lights and may not extend over the road surface.
- (5) A street name advertising sign may be erected only at an intersection and may be erected on a road reserve or road median.
- (6) Only four street name advertising signs will be permitted per intersection *and if there is a median then six name advertising signs will be permitted.*
- (7) The street name advertising sign shall comply with the requirements for the street name GL1 sign as prescribed in the National Road Traffic Act.

27. SECURITY ADVERTISEMENTS

- (1) A security advertisement must refer only to the existence and operation of a commercial security service, burglar alarm system, neighbourhood watch, farm watch or similar system or scheme and may only be displayed on the premises where such security service is rendered.
- (2) A security advertisement may not exceed 0,35 m<sup>2</sup> in area of advertisement, except a farm advertisement, which may not exceed 2.5 m<sup>2</sup> in area of advertisement. All such advertisements may not exceed a height of three metres above ground level.
- (3) In an urban area, only one security advertisement per street boundary of the premises on which such security service is rendered may be erected and must be firmly affixed to the building, boundary wall, fence or gate on the street frontage or within the boundaries of the erf.
- (4) A security advertisement on a farm with a maximum of 2.5 m<sup>2</sup> sign area may be displayed at the intersection of a national road or provincial road with a private access road or at the entrance property. Only one advertisement per farm or holding shall be allowed. The advertisement may be erected within a road reserve other than a freeway, but not on a road-island or median.
- (5) A security advertisement may not be animated.
- (6) Only one security sign per 30 m length of street boundary of the premises shall be erected and must be firmly affixed to the building, boundary wall, fence or gate on the street frontage or within the boundaries of the premises

## 28. PRODUCT REPLICAS AND THREE – DIMENSIONAL ADVERTISING SIGNS

- (1) A product replica or three-dimensional advertising sign shall be permitted in a shopping centre or other commercial area or in an entertainment or industrial area situated in an area of partial or minimum control.
- (2) The highest point of a free-standing product replica or three-dimensional advertising sign above ground level shall not exceed 7,5 metres.
- (3) A product replica or three-dimensional advertising sign may only be displayed within the boundaries of the site, and may only be displayed at the premises where the business is conducted.

## 29. SKY SIGNS

- (1) No person shall erect or display a sky sign or cause or allow a sky sign to be erected or displayed in the municipal area.

## 30. ROOF SIGNS

- (1) No one may erect a roof sign without first obtaining the written approval of the Municipality.
- (2) A roof sign shall *only* be permitted in areas of partial and minimum control.
- (3) Only locality-bound roof signs shall be permitted.
- (4) The bottom of the roof sign shall not be more than 120 mm above the closest portion of the roof beneath it.
- (5) The main axis of a roof sign shall be horizontal.
- (6) A roof sign shall not exceed the areas set out below:

Height of bottom of sign above the ground	Maximum area of sign
< 6 m	2 m <sup>2</sup>
6 m < 9 m	4 m <sup>2</sup>
9 m < 12 m	8 m <sup>2</sup>
12 m < 18 m	12 m <sup>2</sup>
18 m+	18 m <sup>2</sup>

- (7) A roof sign shall not exceed 300 mm in thickness.
- (8) Roof signs shall, if required by the Municipality, be placed so as not to form part of the skyline of buildings.
- (9) A roof sign shall not extend beyond the roof of the building in any direction.
- (10) Only one roof sign per building will be allowed.
- (11) Roof signs shall only be allowed if the business is not visible from the road. If an on premises business sign can be erected at the entrance to the enterprise then a roof sign may not be erected.

## 31. FLAT SIGNS

- (1) Flat signs shall only be allowed in urban areas of minimum, partial and maximum control and at centres of economic activity in rural and natural area of maximum control, but shall be limited to buildings utilised for commercial, industrial, or entertainment purposes and larger accommodation facilities.
- (2) Only locality bound flat signs shall be allowed.
- (3) Maximum size of a flat sign shall not exceeds 36 m<sup>2</sup>.
- (4) The total flat sign area for any enterprise shall not exceed 20% of the specific ground floor façade of such an enterprise in areas of maximum control and 30% in areas of partial and minimum control. In the case of shopping centres, the area of wall units on which flat signs are displayed shall not exceed 30% of the area of a specific façade of the shopping centre (excluding office levels).
- (5) No flat sign shall cover a window or any other external opening of a building or obstruct the view from such an opening.

- (6) A flat sign shall not extend above the top or beyond either end of the wall to which it is affixed.
- (7) A flat sign shall not be displayed on the outside of boundary walls.
- (8) A flat sign may consist of a panel / sheet or of individual numbers, letters or symbols.
- (9) A flat sign can be attached to any wall of a building.
- (10) A locality-bound flat sign is permitted in all areas of control.

### 32. PROJECTING SIGNS

- (1) Projecting signs shall only be allowed in urban areas of minimum, partial and maximum control and at centres of economic activity in rural and natural area of maximum control, but shall be limited to buildings utilised for commercial, industrial, or entertainment purposes and larger accommodation facilities.
- (2) Only locality bound projecting signs shall be allowed in the municipal area.
- (3) A projecting sign shall not be fixed at a clear height of less than 2,4 m and not exceed 300 m in thickness.
- (4) Only one projecting sign shall be allowed per enterprise façade.
- (5) A projecting sign requires the specific consent of the Municipality.
- (6) A projecting sign shall be at least 4,5 m from any other vertical sign.
- (7) A projecting sign shall not project above the parapet or edge of a roof.
- (8) Only one projecting sign shall be allowed per enterprise facade.
- (9) A projecting sign shall be fixed at right angles to the street line.

### 33. BALCONY OR UNDER AWNING ADVERTISING SIGNS

- (1) A balcony or under awning advertising sign may be erected only on premises used for commercial, office, industrial or entertainment purposes.
- (2) In the case of an advertisement contemplated in paragraph (a), (b) or (c) of the definition of "balcony or under awning advertising sign" –
  - (a) no advertising sign may project at any point more than 100 mm from the surface to which it is affixed;
  - (b) no advertising sign may exceed a vertical dimension of 750 mm and a horizontal dimension of 2 400 mm;
  - (c) no advertising sign may extend above or below or beyond any extremity of a parapet wall, balustrade, railing, beam or fascia;
- (3) in the case of an advertising sign contemplated in paragraph (d) of the definition of "balcony or under awning advertising sign" –
  - (a) the advertising sign must be painted on or affixed flat onto the supporting column, pillar or post;
  - (b) no advertising sign may extend beyond any extremity of the column, pillar or post;
  - (c) an advertising sign affixed flat onto a non-rectangular supporting structure must be curved to fit the form of such a structure;
  - (d) only one advertising sign per column, pillar or post is allowed;
- (4) A balcony or under awning advertising sign may be suspended above a sidewalk or road reserve and no part of such advertising sign shall be less than 2,4 m above the surface of the sidewalk or ground level immediately below it.
- (5) No illuminated advertising sign or advertisement designed to reflect light may be attached to or displayed on a splayed or rounded corner of a balcony at a street intersection, unless the bottom of the advertising sign is at least six metres above the street immediately below it.

### 34. SIGNS PAINTED ON BUILDINGS, BOUNDARY WALLS AND ROOFS

- (1) Signs painted on buildings, boundary walls and roofs shall be permitted only in urban areas of partial and minimum control.
- (2) Signs painted on the façade of a building shall not cover more than 20% of such façade of the building, boundary wall or roof of the enterprise to which such sign pertains, with a maximum area of 36 m<sup>2</sup>.
- (3) Not more than one sign per enterprise shall be allowed while no more than one locality-bound sign per building, boundary wall or roof shall be allowed.

- (4) Signs painted on the façade of a building shall be allowed only at a position below the lower edge of any visible second-floor window.
- (6) no signs allowed on walls and roofs of residential properties.

35. WINDOW SIGNS

- (1) Window signs are permitted in all urban areas of control at centres of economic activity in natural and rural areas of maximum control.

36. FORECOURT ADVERTISING SIGNS

- (1) A forecourt advertising sign may be displayed only in an urban area. In any other area, it may only be displayed in a centre of economic activity.
- (2) A forecourt advertising sign may not be displayed in a road reserve and may not interfere with pedestrian circulation.
- (3) A forecourt advertising sign may not be animated.

37. RESIDENTIAL OR COMMUNITY ADVERTISING SIGNS

- (1) A residential or community advertising sign may be affixed flat or painted on a gate or wall, or on a pole mounted advertising sign or an advertisement with supporting structures forming a visual structure around the sign panel.
- (2) In the case of an advertising sign showing the name and nature of an enterprise or place of residence or the name of a proprietor or practitioner, one advertising sign per premises is allowed, that may not exceed the following sizes: provided that where there is more than one entrance to the same premises on different road frontages, two advertising signs may be displayed, each on a different frontage:

Consent use	Permissible size
Guest house	1,5 m x 1,5 m
Home business	420 mm x 300 mm
Day mothers / play group	420 mm x 300 mm
Pre-school	1,5 m x 1,5 m

- (3) In the case of a residential or community advertising sign, a name or logo of a sponsor of the advertising sign may not be displayed except on the name of a farm or smallholding. No sponsor advertising allowed on these signs.
- (4) A residential or community advertising sign may be displayed only on the premises to which it refers, or on the boundary wall, fence or gate of such premises.
- (5) A farm or smallholding name sign must be displayed next to the entrance of the access road thereto or affixed to the gate at the entrance of such access road. Where more than two farms or smallholdings share an unnumbered or private access road, a direction road traffic sign must be used to indicate the access road.
- (6) A free standing residential or community advertising sign is allowed only where it is not aesthetically or practically acceptable to attach a sign to a building or boundary wall, fence or gate, and may not be erected in a road reserve;
- (7) A residential or community advertising sign may not be animated, and may be illuminated only in an urban area. It must harmonise with the buildings and other structures on the premises as to materials, colour, texture, form, style and character.

38. ON – PREMISES BUSINESS ADVERTISING SIGNS

- (1) An on-premises business sign must be locality bound and shall only provide information on the name and nature of the business, the brand-name and the nature of goods sold or produced and the nature of services provided and the name of the proprietor(s) or practitioner(s).

- (2) An on-premises business sign may be a combination sign for a variety of businesses in the same locality and may also be free-standing.
- (4) An on-premises business sign requires the specific consent of the Municipality and / or the relevant roads authority.
- (5) In the case of a combination sign -
  - (a) the design must harmonise with the architecture of the particular building or other adjacent buildings or structures;
  - (b) messages on individual panels of the sign must be concise and legible;
  - (c) the content of individual panels of such a sign must be harmonious in terms of form letter types and colour.
  - (d) Combination signs must be harmonious in terms of form, letter types and colour.
  - (e) Combination signs shall be designed and located so as not to create a traffic safety hazard.
- (6) Only one on-premises business sign shall be allowed per property, unless there is more than one different road frontage, one per frontage.
- (7) An on-premises business combination sign shall be a maximum of 12 m<sup>2</sup> in area, structure and advertising area included and 7.5 m in height. In cases where on business advertising signs are located on the boundary, it shall not:
  - a) exceed 6m<sup>2</sup>;
  - b) occupying 50% of the area of the boundary wall/palisade/fence and shall not protrude above the boundary wall/palisade/fence.
- (8) The height of an advertising structure shall be limited to 7.5 m provided that the height of the structure can be relaxed to 10 m where there is merit for example due to topographical restraints.
- (9) The name or logo of the sponsor of the on-premises business sign may be displayed if it refers to products or services available at that specific enterprise, but shall not occupy more than one third of the total area of the sign.
- (10) An on-premises business sign may be placed closer to the road reserve boundary than the ruling building line, subject to a building line relaxation being obtained in terms of the relevant Town Planning Scheme as amended from time to time.
- (11) An on-premises business sign may be illuminated.
- (12) An on-premises business sign shall not be animated.
- (13) An on-premises business sign shall not obstruct the view from any adjacent building.

#### 39. TOWER, BRIDGE AND PYLON ADVERTISING SIGNS

- (1) No person may erect or display a tower, bridge or pylon advertising sign in a natural area, or an urban area of maximum control, or over a freeway in any area.
- (2) No one may erect or display a tower, bridge or pylon advertising sign in an urban area of partial or minimum control without first obtaining the written approval of the Municipality, or if necessary the written approval of the South African National Roads Agency.
- (3) The maximum area of advertising sign on tower, bridge and pylon advertising signs per structure shall not exceed 36 m<sup>2</sup>.
- (4) The clear height of a pylon advertising sign may not be less than 2,4 m, and a maximum height of 7,5 metres.
- (5) The clear height of a bridge sign shall not be less than 6 m.
- (6) A sign shall not project more than 300 mm from the main supporting structure.
- (7) No person may erect or display a tower, bridge or pylon advertising sign that is illuminated or animated except in an urban area of minimum or partial control, and then only if –
  - (a) it is not a safety hazard;
  - (b) it does not cause undue disturbance;
  - (c) the source of the illumination is concealed from oncoming traffic;
- (8) No person may attach an advertisement to a pylon unless the pylon is independently supported without the aid of guys, stays, brackets or other restraining devices, and is properly secured to an adequate foundation in the ground.
- (9) The sign shall form an integral part of the design of the structure.

#### 40. ADVERTISEMENTS FOR SPONSORED ROAD TRAFFIC PROJECTS

- (1) A sign for sponsored road traffic projects may contain the name and the details of the project and the name(s), logo(s) and message(s) of the sponsor, which shall not exceed 20% of the area of the sign.
- (2) A sign for sponsored road traffic projects requires the specific consent of the Municipality.
- (3) A sign for sponsored road traffic projects shall not exceed 4,5 m<sup>2</sup> in area of sign and the total height of the sign shall not be more than 3 m above ground level.
- (4) The Municipality may approve conditionally or unconditionally, or reject proposals for sponsored road traffic projects at its discretion;
- (5) No advertisement for a sponsored road traffic project may be combined with or be attached to a road traffic sign;
- (6) No road traffic sign, or symbol used in any road traffic sign, may be used in an advertisement for a sponsored road traffic project;
- (7) An advertisement for a sponsored road traffic project may be displayed in a road reserve, but not on a road island;
- (8) An advertisement for a sponsored road traffic project may not be animated.

#### 41. ADVERTISING SIGNS AT EDUCATIONAL INSTITUTIONS

- (1) No person may erect a free-standing advertising sign at an educational institution without first obtaining the written approval of the Municipality.
- (2) A free-standing sign at educational facilities and at institutions may indicate the name and nature of the facility or institution and the name of a sponsor/s.
- (3) A maximum total sign area of 18 m<sup>2</sup> is allowed, provided that this area may be divided into panels of equal size, form and construction incorporated into one individual combination free-standing sign.
- (4) Only one individual free-standing sign shall be permitted per vehicle entrance.
- (5) Illumination of free-standing signs at educational facilities and at institutions will be allowed.
- (6) Free-standing signs at educational facilities and at institutions shall not, in the discretion of the Municipality, in any way detrimentally affect the residential character and amenity of the neighbourhood or any other amenities of the area and / or the surroundings.
- (7) Only small billboards and tower structure which are "internally orientated" shall be permitted at educational facilities and at institutions.
- (8) Billboards At Schools:  
Only one billboard with a maximum area of 36 m<sup>2</sup> per face (back to back or a v board) and a maximum height of 9.0 metres will be allowed on a school erf provided that it does not in any way detrimentally affect the residential character and amenity of the neighbourhood and it is not visible from the nearby residential area.

#### 42. SERVICE FACILITY ADVERTISING SIGNS

- (1) No person may erect a service facility advertising sign without first obtaining the written approval of the Municipality.
- (2) A service facility advertising sign may refer only to the name or logo of a business providing a service, and the type of service provided.
- (3) A service facility advertising sign must be locality-bound and may be erected or displayed only in service facilities adjacent to and directly accessible from national, provincial or urban roads at which the advertisement is directed. Only one such advertising sign per direction of traffic flow will be allowed.
- (4) No service facility advertising sign may exceed the following dimensions:
 

Natural areas and urban freeways	10 m in height and 3 m in width
Other urban areas	7 m in height and 2 m in width
Rural areas	20 m in height and 6 m in width
- (5) The Municipality may stipulate requirements for the positioning of the advertising sign.
- (6) A service facility advertising sign may not be animated, and illumination is allowed only while the services concerned are being provided.



- (7) No advertisement shall be allowed in a roadside service area except a service facility advertising sign permitted under these by-laws, unless used for internal direction and orientated and aimed at motorists within the facility.
- (8) No person may erect a service facility advertising sign within a road reserve.
- (9) No person may erect a service facility advertising sign in the road median or on an island.

#### 43. TOURISM SIGNS

- (1) No person may erect a tourism sign without first obtaining the written approval of the Municipality.
- (2) Tourism signs is permitted in all areas of control;
- (3) Tourism signs may be displayed within all road reserves, except road medians and road islands;
- (4) Tourism signs must have a distinctive white and brown colour and must use symbols according to the specifications in terms of the Road Traffic Signs Manual and the Road Traffic Act (Act 93 of 1996);
- (5) Only two tourism signs per enterprise may be erected at only the nearest significant intersections to the tourist facility or within 100 meters from the entrance on a straight road, within urban areas, subject to (6);
- (6) No tourism sign is permitted at an intersection with a major arterial road as classified by the relevant roads authority;
- (7) Tourism signs shall be erected by the Municipality or by any other relevant authority at the cost of the applicant.

#### 44. AERIAL ADVERTISEMENTS

- (1) No person shall display an aerial advertisement in a natural or a rural area.
- (2) An aerial advertisement may not be illuminated or animated, except that an airship may be illuminated;
- (3) With the exception of a moored airship, an aerial advertisement may be displayed only in daylight hours;
- (4) No aerial advertisement shall be displayed for a period exceeding two weeks in any calendar year;
- (5) Any requirement or conditions prescribed by the Department of Civil Aviation must be adhered to.
- (6) No captive or unmanned free balloon shall be flown without the written permission of the Commissioner of Civil Aviation after the permission of the Municipality has been granted;
- (7) Only the name of the business and one commercial article may be displayed on the balloon.
- (8) A public liability policy to the value determined by the Municipality from time to time,
- (9) together with proof of submission of the application to the Commissioner of Civil Aviation must accompany an application.
- (10) An aerial sign shall not be flown at a height of more than 45 m above the surface (measured from ground level or from the surface on which a towing vehicle or vessel is travelling, to the top of the craft or object displaying the sign) without the written permission of the Commissioner of Civil Aviation.

#### 45. TRAILER ADVERTISING

- (1) Trailer Advertising, whether stationery or not, is not permitted in the municipal area whether on private land or municipal property.

#### 46. PAMPHLETS

- (1) The distributing company shall register with the Municipality before being allowed to distribute pamphlets.
- (2) A registration fee as determined from time to time by the Municipality is payable annually.
- (3) The distributing company shall upon registration provide a list of clients that intends to advertise by means of the distribution of pamphlets in the municipal area.
- (4) Pamphlets may only be distributed in post boxes at residential dwelling units or parked vehicles at demarcated parking spaces.
- (5) No one may distribute pamphlets to motorists in the moving traffic or at robots within public roads.

#### 47. PROHIBITED SIGNS

- (1) Any sign type not covered by these by-laws shall be regarded as an illegal sign unless the specific consent of the Municipality has been obtained;
- (2) No person shall erect or display any of the following signs or causes or allow any such sign to be erected or displayed:
  - (a) Any animated or flashing sign the frequency of the animation or flashes or other intermittent alterations of which disturbs the residents or occupants of any building or is a source of nuisance to the public;
  - (b) Any swinging sign;
  - (c) Any moveable or transit sign, or trailer advertising sign, whether stationary or not, on private property or on Municipal property;
  - (d) Any poster pasted onto supporting columns, pillars trees electric poles robots or traffic signs, any services infrastructure, traffic signals and traffic signs.
  - (e) Sky signs;
  - (f) The distribution of pamphlets at road intersections;
  - (g) Combination industrial signs within road reserves;
  - (h) Non-locality bound flat signs on buildings.
  - (i) Advertising signs on land situated in an area of maximum control, except where otherwise provided for in terms of these by-laws;
  - (j) Any permanent sign of which the maximum display period has expired;
  - (k) Any type of sign which the size exceeds 81 m<sup>2</sup>, whether on Municipal property or not.
  - (l) Projected signs.

#### 48 ILLUMINATION AND ELECTRONIC SIGNS

- (1) Illumination is permitted on a sign only if it does not lead to unsafe driving conditions, or does not have a detrimental effect on the surrounding area and where it is not specifically prohibited.
- (2) The luminance level on any sign where illumination is permitted, and where the applicable speed limit on the road is higher than 60 km per hour, shall not exceed the following:
- (3) A variable or animated message shall not exceed the following frame update limits:

Illuminated area	Maximum luminance
Less than 0,5 m <sup>2</sup>	1000 candela per m <sup>2</sup>
0,5 to 2,0 m <sup>2</sup>	800 candela per m <sup>2</sup>
2,0 to 10 m <sup>2</sup>	600 candela per m <sup>2</sup>
10 or more m <sup>2</sup> in visual zones	350 candela per m <sup>2</sup>
10 or more m <sup>2</sup> in other areas	400 candela per m <sup>2</sup>

Speed limit 60 km per hour or less Full video and frames that change continuously One single complete frame that changes every Speed limit more than 60km per hour 30 seconds as a minimum

- (4) An electronic sign shall not obstruct the view of a driver or pedestrian or be in the direct line of sight of a traffic light.
- (5) An electronic sign shall not have subliminal flashes.
- (6) Light not intended for illumination shall only be utilised if it is allowed for in the environmental plans of the Municipality.
- (7) All signs that could interfere with radio or television reception must be equipped with suppressors that eliminate all forms of interference, and electrical wiring must be in accordance with the provisions of the Municipality's Electrical By-laws, any other legislation applicable to electric signs and the approval of the General Manager: Electricity.
- (8) An electronic sign shall not exceed 18 m<sup>2</sup> in sign area except with the specific consent of the Municipality.
- (9) The advertising structure shall not exceed 8,5 m in height.
- (10) The clear height of the advertising structure shall not be less than 2,4 m.
- (11) An electronic sign may only be erected in an area of partial or minimum control and requires the specific consent of the Municipality.

- (12) An electronic sign shall be displayed perpendicular, or at an angle of 30°, to the direction of oncoming traffic.
- (13) An advertising sign scoping report and/or an EIA which includes visual, social and traffic safety aspects may be required for electronic signs.
- (14) Spacing requirements shall be in accordance with the spacing of high impact signs in Clause 12 of these by-laws.
- (15) Notwithstanding (7) above, an electronic sign may not be erected closer than 1,5 kilometres to another electronic sign in the same road.
- (16) An electronic sign shall be placed on a base which has been designed and erected to the satisfaction of the Municipality.

#### 49. WRAP OF BUILDINGS WHILE UNDER CONSTRUCTION

- (1) A building wrap sign will only be allowed while a building is under construction and shall only be permitted in areas of minimum and partial control and requires the specific consent of the Municipality.
- (2) The shape dimensions and area of the sign shall be as determined by the Municipality.
- (3) An advertising sign scoping report which includes visual, social and traffic safety aspects and the effect of the sign on other approved signs in the vicinity may be required.
- (4) External illumination of a building wrap sign may be permitted at the discretion of the Municipality.
- (5) An approval of a building wrap sign shall be for a period of twelve months or the duration of the construction, renovation or maintenance work, whichever is the shorter, where after the approval can be renewed subject to such additional conditions as the Municipality deems fit, on payment of the requisite fees.

#### 50. STREET POLE ADVERTISEMENT

- (1) No person, except the appointed service provider by tender agreement, may display or cause to display any street pole advertisement.
- (2) No ad hoc application for street pole advertising shall be permitted.
- (3) The lettering and artwork used on the advertisement must be approved by the Municipality and shall be easily readable by passing motorists.
- (4) No street pole advertisement shall be displayed closer than 50 metres from any road intersection.

#### 51. "ADOPT A SPOT" SPONSORSHIP ADVERTISING

- (1) Shall require an agreement to be entered into with the Municipality in terms of the "Adopt a Spot" policy.
- (2) Shall not be placed so as to obstruct pedestrian movement or limit sighting lines of drivers.
- (3) Approval shall only be valid for the period of the agreement with the Municipality.
- (4) Shall only contain the wording "This area is maintained by" and the name and logo of the entity that has entered into agreement with the Municipality for that specific area where the sign is located.
- (5) The sign shall not be animated.
- (6) The sign shall have a maximum size of 0,5 m<sup>2</sup> and the height thereof above natural ground level shall be limited to 750 mm.

### PART D: GENERAL PROVISIONS

#### 52. APPROVAL BY MUNICIPALITY

- (1) Any application for approval required by these by-laws must be made by completing the prescribed application form and lodging the completed form with the application fee determined by the Municipality from time to time.
- (2) The Municipality may refuse to consider an application where the relevant form has not been completed properly or the relevant fee has not been paid.
- (3) An application in terms of subsection (1) must be signed by the owner of the proposed structure or device upon which the advertising sign will be displayed and by the owner of the land on which it is to

be erected or displayed, or by the agent of such persons authorised in writing, and must be accompanied by any additional information or documents requested by the Municipality.

- (4) The Municipality, when granting approval for any advertising sign, or structure upon which an advertisement is to be displayed in an urban area, must make its approval conditional on the applicant also obtaining the approval of any other relevant authority.
- (5) The Municipality may grant approval subject to conditions, which must be complied with by the owner of the advertisement, the owner of the structure upon which an advertisement is to be displayed, the person or persons who erect or display it, the owner of the land on which it is displayed or erected and any occupier or other person in charge of such land.
- (6) Where the Municipality has granted approval for the erection or display of an advertisement, the advertisement may not be moved or re-erected nor shall any alteration be made to the electric wiring system thereof, except for the purpose of maintenance, without first obtaining the further written approval of the Municipality.
- (7) Approvals granted in terms of these by-laws may be renewed after expiry of the period for which the approval was granted by-
  - (a) making application for such renewal to the Municipality;
  - (b) lodging the application form with the renewal fee determined by the Municipality;
- (8) The Municipality may reject an application for renewal of an approval that does not comply with subsection (7).
- (9) Where an approval has so lapsed, application may be made afresh on compliance with subsections (1),(2) and (3).
- (10) The owner of the land on which an advertising sign is erected or displayed in terms of an approval obtained under these by-laws, must retain certified copies of all documentation relating to the application and the approval issued by the Municipality and any renewal thereof for as long as the advertising sign is erected or displayed, and must present it to any person authorised by the Municipality on request. The owner of the advertising sign, if not also the owner of the land, must provide the owner of the land with certified copies of all relevant documentation;
- (11) Approvals granted by the Municipality in terms of these by-laws shall be additional to, and not in substitution of, consent or approval required by any other law;
- (12) The Municipality may withdraw any approval given under these by-laws where the relevant advertising sign does not- or ceases to comply with these by-laws, or a condition imposed in such approval has not been complied with.
- (13) In respect of temporary advertisements applied for in terms of Section 16, 17 and 23, welfare organisations, schools, churches, government and semi-government structures as well as organisations organising large community events that has an economic benefit for the municipal area, may by means of a written application to the Municipality, only pay 50% of the prescribed application fees and the applicable deposit.

53. REFUSAL, WITHDRAWAL OR AMENDMENT OF APPROVAL AND APPEAL PROCEDURE

- (1) The Municipality may refuse, withdraw or amend at any time an approval if in the opinion of the Municipality -
  - a) it will be or becomes 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) it will constitute or becomes a danger to any persons or property;
  - c) it will obliterate or obliterate other signs, natural features, architectural features or visual lines of civic or historical interest.
  - d) it will be in its content objectionable, indecent or suggestive of indecency or prejudicial to the public morals.
  - e) it will be or becomes illegal as a result of the changing urban structure.
- (2) Appeal procedure  
Any person aggrieved by a decision of the Municipality to either refuse or approve an application that has been submitted to the Municipality for approval in terms of these bylaws, may appeal against such decision of the Municipality by following the procedure as set out hereunder, namely:

- a) The appellant must give written notice of the appeal and reasons for such appeal, to the Municipal Manager within 21 days of the date of notification of the decision of the Municipality;
- b) The Municipal Manager must promptly submit the appeal to the appropriate appeal authority as prescribed by Section 62(4) of the Local Government Municipal Systems Act, Act 32 of 2000, as amended;
- c) The appeal authority must commence with an appeal within 6 (six) weeks of receipt of the written notice in (a) above and decide the appeal within a reasonable period;
- d) The Municipal Manager or his duly authorized representative must inform the appellant in writing of the decision of the appeal authority within a reasonable period.

54. ERECTION AND MAINTENANCE OF ADVERTISING SIGNS

- (1) The provisions of the National Building Regulations made in terms of the National Building Regulation and Building Standards Act, 1977 (Act 103 of 1977) shall apply *mutatis mutandis* to every sign, advertisement hoarding and its supporting structure;
- (2) The Municipality may, if in its opinion an emergency exists, instead of serving a notice, itself carry out or appoint a contractor to carry out the removal of a sign or do other work which it may deem necessary and may recover the cost thereof from the owner of the sign or owner of the land on which it is displayed or erected;
- (3) No person shall intentionally, in the course of erecting or removing any sign, advertising hoarding, poster or banner cause any damage to any tree, electric standard or service or other municipal installation or property;

55. TRANSITIONAL PROVISIONS

- (1) Any advertising sign that was erected or displayed on the date of commencement of these by-laws that is prohibited by these by-laws, and is not an advertising sign for which the Municipality may grant approval, must be removed within 90 days of such date of commencement;
- (2) Where an advertising sign has been erected or displayed on the date of commencement of these by-laws, which, in terms of these by-laws, may not be so erected or displayed without the approval of the Municipality or another authority, the owner of the advertising sign must apply to the Municipality or the other authority, as the case may be, for such approval, within 90 days of such date of commencement, failing which the advertising sign must be removed forthwith. No such application may be made in respect of an advertising sign contemplated in subsection (1);
- (3) If approval for an advertising sign contemplated in subsection (2) has been refused, the owner must remove it within 30 days of receipt of notification of such refusal. Where such a notification has been posted by registered post, the owner will be deemed to have received it eight days after posting thereof;
- (4) All approved signs already in existence on the publication of these by-laws shall within a period of one (1) year after such promulgation, be removed or corrected to comply with the said by-laws. Any advertising sign which was erected or displayed prior to the date of promulgation of this bylaw but which is prohibited by this bylaw must be removed at the expiration of the approval period. If proof of approval by any former local authority can be furnished, the advertising sign may remain until the original approval period expires. If no approval period was specified, an approval period not exceeding three years from promulgation of this by-law shall be valid where after the advertising sign must be removed within 30 days of the latter approval period having lapsed.

56. ENTRY AND INSPECTION

- (1) The Municipality shall be entitled, through its duly authorised officers, to enter into and upon any premises, at any reasonable time for the purpose of carrying out any inspection necessary for the proper administration and enforcement of the provisions of these by-laws.

57. OFFENCES

- (1) Any person who:
  - (a) contravenes or fails to comply with any provision of these by-laws;
  - (b) contravenes or fails to comply with any requirement set out in a notice issued and served on a person in terms of these by-laws;

- (c) contravenes or fails to comply with any conditions imposed in terms of these by-laws;
  - (d) knowingly makes a false statement in respect of any application in terms of these by-laws;
- shall be guilty of an offence and shall on conviction be liable to a fine not exceeding R5 000,00 or, in default of payment, to imprisonment for a period not exceeding twelve months, and in the case of a continuing offence to a fine not exceeding R500,00 for every day during the continuation of such offence, and for a second or subsequent offence shall be liable on conviction to a fine not exceeding R1 500,00 per day or in default of payment, to imprisonment for a period not exceeding three months.

58. RESPONSIBLE PERSONS

- (1) If any person charged with an offence referred to in section 53, relating to any sign, advertising board or poster:
  - (a) It shall be deemed that such person either displayed such sign, advertising hoarding or poster or caused or allowed it to be displayed;
  - (b) The owner of any land or building on which any sign, advertising hoarding or poster was displayed, shall be deemed to have displayed such sign, advertising 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 organising, or was in control of any meeting, function or event which a sign or poster relates, it shall be deemed to have displayed every sign or poster displayed in connection with such meeting, function or event to have caused or allowed it to be displayed;
  - (d) Any person whose name appears on a sign, advertising hoarding or poster shall be deemed to have displayed such sign, advertising hoarding or poster or to have displayed, unless the contrary is proved.

59. REMOVAL OF SIGNS OR ADVERTISING HOARDINGS

- (1) If any sign or advertising board is displayed so that in the opinion of the Municipality it is detrimental to the environment or to the amenities of the neighbourhood, or otherwise in contravention of these by-laws, the Municipality may serve a notice on or may instruct the owner of the sign or advertising hoarding to remove such sign or advertising board or carry out such alteration thereto or do such other work as may be specified by the relevant official of the Municipality within a specified time.
- (2) If a person fails to comply with a request referred to in subsection (1), the Municipality may remove such a sign or advertising board.
- (3) The Municipality shall in removing a sign or board contemplated in subsection (1), not be required to compensate any person in respect of such sign or advertising hoarding, in any way for loss or damage resulting from this removal.
- (4) Any costs incurred by the Municipality in removing a sign or advertising board, in terms of subsection (2) or in doing alterations or other works in terms of this section will be recovered from the person contemplated in subsection (1). If a deposit has been paid in respect of such sign or board the costs may be deducted from the deposit.
- (5) Notwithstanding the provisions of subsection (1), (2), (3) and (4) above, the Municipality itself shall, without serving any notice, carry out the removal of such sign or advertising board.
- (6) The Municipality shall charge a poundage for such signs that were removed in terms of this section.
- (7) A poundage fee mentioned in subsection (6) shall be payable to the Municipality per sign per working week (Monday to Friday) or part of the week.
- (8) The Municipality shall destroy such signs that were removed in terms of this section, within one week after such removal, should the owner of such sign fail to claim such sign or pay the poundage in terms of subsection (6).
- (9) The actual expense the Municipality incurred during the removal of signs in terms of this section shall be payable by the owner of such signs to the Municipality.

60. 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 personally on him or on any member of his household apparently over the age of sixteen years or 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 Municipality, or if such person is a company, if served on an officer of that company at its registered office or sent by registered mail to such office.

61. REPEAL OF PREVIOUS BY-LAWS

The by-laws in respect of the Advertising Signs, promulgated in the Provincial Gazette No. 1778, 31 March 2010 by Local Authority Notice 52 and Provincial Gazette No. 1584, 8 October 2008 by Local Authority Notice 299, are hereby repealed.

62. SHORT TITLE AND COMMENCEMENT

- (1) This By-law is called the City of Mbombela by-law for the control of outdoor advertising, 2019
- (2) This By-law come into operation on the date of the publication in the Provincial Gazette.

**N DIAMOND**  
**MUNICIPAL MANAGER**  
**CITY OF MBOMBELA**

**PROCLAMATION 12 OF 2019****MKHONDO LOCAL MUNICIPALITY****PROCLAMATION OF AN APPROVED TOWNSHIP: MALAYININI TOWNSHIP**

In terms of the provisions of the Mkhondo By-law on Spatial Planning and Land Use Management, 2016, Mkhondo Local Municipality hereby declares the Malayinini Township situated on part of the Remainder of the farm Vroegeveld 509-IT (to be registered as Portion 33 of the farm Vroegeveld No. 509-IT), as an approved township, subject to the conditions set out in the Schedule A hereto.

**SCHEDULE A**



STATEMENT OF CONDITIONS WHERE UNDER APPLICATION IS MADE BY THE MKHONDO LOCAL MUNICIPALITY, (HEREAFTER REFERRED TO AS THE APPLICANT/TOWNSHIP OWNER), IN TERMS OF THE PROVISIONS OF CHAPTER 5, PART B, SECTION 59 OF THE MKHONDO BY-LAW ON SPATIAL PLANNING AND LAND USE MANAGEMENT, 22 APRIL 2019, ON PART OF THE REMAINDER OF THE FARM VROEGEVELD NO. 509-IT, (TO BE REGISTERED AS PORTION 33 OF THE FARM VROEGEVELD NO. 509-IT), MPUMALANGA PROVINCE BY THE MONDI LIMITED (HEREAFTER REFERRED TO AS THE LAND DEVELOPMENT APPLICANT) TO ESTABLISH A TOWNSHIP, HAS BEEN APPROVED.

**1. CONDITIONS TO BE COMPLIED WITH PRIOR TO THE PROCLAMATION OF THE TOWNSHIP AS AN APPROVED TOWNSHIP.**

**1.1. ENVIRONMENTAL AUTHORIZATION**

The Mkhondo Local Municipality or his appointed agent shall at his own expense shall ensure that the approval of the Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs in terms of National Environmental Management Act, 1998 (Act 107 Of 1998) has been obtained and that any amendments or additional conditions contained in the Environmental Authorization are incorporated in the conditions of establishment of the proposed township, at the cost of the applicant.

**1.2. GENERAL**

1.2.1. The Mkhondo Local Municipality shall ensure that;

- a) the relevant amendment scheme (in terms of Section 59 of the By-law) is in order and may be published simultaneously with the proclamation of the township as an approved township;
- b) satisfactory access is available to the township and that a public street system is available to all erven in the township;

**MKHONDO MUNICIPALITY**  
**CONDITIONS OF ESTABLISHMENT**  
**APPROVED**

**MKHONDO MUNICIPALITY**  
**2018 -11- 12**  
**PLANNING & ECONOMIC**  
**DEVELOPMENT**

- c) a comprehensive geo-technical report as well as an electronic copy of the zonal map is available whereby adequate precautionary measures which addresses the remedial actions to be taken with the construction of the foundations of each stand in the township;
- d) the name of the township as well as the street names have been approved;
- e) a certificate was submitted by a qualified engineer to the effect that all developable land is not subject to flooding;
- f) the detail designs for new services has been approved by the Council's Engineering Department;
- g) the proposed development complies with restrictive development conditions as indicated by Council and on the approved Layout plan;
- h) an approved copy of the General Plan as well as an electronic copy thereof has been submitted to the Local Municipality.

- i) a favourable Environmental Authorization has been issued by the Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs supporting the township.

- 1.2.2. The provisions of Sections 59 – 62 of the **Mkhondo Local Municipality By-law on Spatial Planning and Land Use Management** must be complied with.

## **2. CONDITIONS OF ESTABLISHMENT**

### **2.1. NAME**

The name of the township shall be Malayinini.

### **2.2. LAYOUT/DESIGN**

The township consists of erven and streets, as indicated on General Plan **K1562/12**.

### **2.3. ACCESS**

The Land Development Applicant shall arrange that there is satisfactory access to the township area to the satisfaction of the Local Council.

### **2.4. RECEIPT AND DISPOSAL OF STORM WATER**

The township owner shall arrange the storm water drainage of the township; in such a way as to fit in with all relevant roads and he shall receive and dispose of the storm water running off or being diverted from the road.

### **2.5. REMOVAL AND/OR REPLACEMENT OF MUNICIPAL SERVICES**

Should it become necessary to remove, alter or replace any municipal services as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

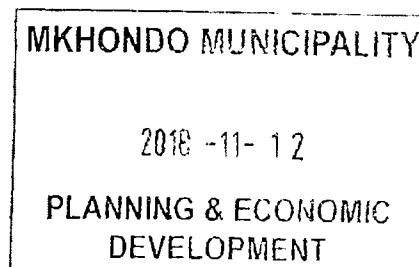
### **2.6. REMOVAL OF LITTER**

The township owner shall at his own expense have all litter within the township area removed.

### **2.7. REMOVAL AND/OR REPLACEMENT OF TELKOM SERVICES**

Should it become necessary to remove, alter or replace any existing services of Telkom as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

**MKHONDO MUNICIPALITY**  
CONDITIONS OF ESTABLISHMENT  
APPROVED



**2.8. REMOVAL AND/OR REPLACEMENT OF ESKOM SERVICES**

Should it become necessary to remove, alter or replace any existing services of Eskom as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

**2.9. PROTECTION OF STAND PEGS**

The township owner shall comply with the requirements with regard to the protection of boundary pegs.

**2.10. DEMOLITION OF BUILDINGS STRUCTURES**

The township owner must at his own costs demolish all existing buildings and structures that are located within building restriction areas, side spaces or common boundaries, if required.

**2.11. COMPLIANCE WITH THE CONDITIONS CONTAINED IN THE GEO-TECHNICAL REPORT**

Development of this township must be strictly in accordance with the recommendations contained in the geo-technical report compiled for this township, if any.

**2.12. FLOODLINE OR OXIDATION DAM**

No development may take place on any part of the Erven 70 and 173 affected by the 1:100 year flood line, or any proposed oxidation dam, or within such distance as what the Department of Water Affairs may require surrounding a proposed oxidation dam.

**2.13. DISPOSAL OF EXISTING CONDITIONS OF TITLE**

All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of mineral rights and real rights, but excluding the electrical power line servitude as described in Notarial Deed of Amendment Servitude K2520/1982S as indicated in Diagram SG No. A1240/1981 which servitude affects erven 2, 51, 52, 53, 70, 71 and 173 and certain streets in the township only.

**3. CONDITIONS OF TITLE**

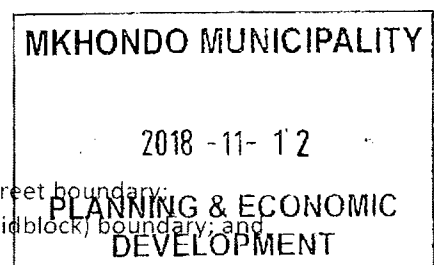
All erven shall be subject to the conditions as indicated and imposed by the Mkhondo Local Municipality;

All erven shall be subject to the conditions as indicated.

(a) The erf is subject to:

- (i) a servitude 3 metres wide along the street boundary;
- (ii) a servitude 2 metres along the rear (mid block) boundary; and

**MKHONDO MUNICIPALITY**  
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APPROVED



- (iii) a servitude along the side boundaries with an aggregate width of 3 metres and a minimum width of 1 metre,

in favour of the local authority for sewerage and other municipal purposes and in the case of a panhandle erf, an additional servitude for municipal purposes 2 metres wide across the local authority: Provided that the local authority may relax or grant exemption from the required servitudes.

- (b) The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the course of the construction, maintenance or removal of such sewerage mains and other works as it, in its discretion, may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose, subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the local authority.

**4. CONDITIONS WHICH SHALL BE INCORPORATED INTO THE TOWN PLANNING SCHEME, NOTWITHSTANDING THE EXISTING REQUIREMENTS OF THE EXISTING TOWN PLANNING SCHEME IN OPERATION, IN TERMS OF SECTION 59 OF THE BY-LAW.**

**4.1. LAND USE CONDITIONS**

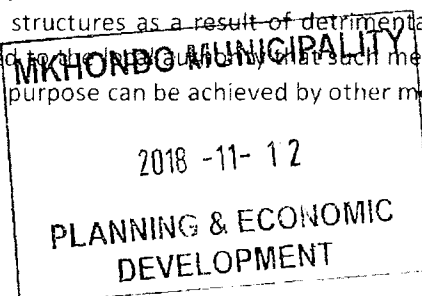
The erven mentioned hereunder shall be subject to the conditions imposed by the Member of the Executive Council of the Department of Agriculture, Rural Development and Land Administration in terms of the provisions of Section 3 of the Less Formal Townships Establishment.

**4.1.1. ALL ERVEN**

The use of the erf is defined and subject to such conditions as are contained in the Annexure: Malayinini: Land Use Conditions, attached hereto: Provided that on the date on which a town planning scheme relating to the erf comes into force the rights and obligations contained in such scheme shall supersede those contained in the aforesaid Land Use Conditions.

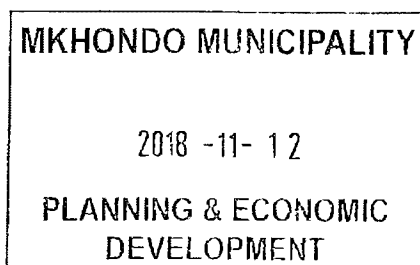
- (a) The use of zone of the erf can on application by the local authority concerned on such terms as it may determine and subject to such conditions as it may impose, be altered.
- (b) The erf lies in an area where soil conditions can affect buildings and structures and result in damage to them. Building plans submitted to the local authority must show measures to be taken in accordance with recommendations contained in the geotechnical report for the township to limit possible damage to buildings and structures as a result of detrimental foundation conditions, unless it is proved to the satisfaction of the local authority that such measures are not necessary or that the same purpose can be achieved by other more effective means.

**MKHONDO MUNICIPALITY**  
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APPROVED



- 4.1.2. Erven 3 to 44, 46 to 57, 59 to 69, 74 to 85, 87 to 167 and 169 to 172, the use zone of the erf shall be "Residential"
- 4.1.3. Erf 168, The use of the erf shall be "Business"
- 4.1.4. Erven 1, 2, 71 to 73 and 86, The use of the erf shall be "Community Facility"
- 4.1.5. Erf 70, The use of the erf shall be "Undetermined"
- 4.1.6. Erf 173, The use of the erf shall be "Special for agricultural purposes or development in future" (including service provision facilities).
- 4.1.7. Erven 45 and 58, The use of the erf shall be "Special for community facilities to include ablution blocks:- Provided that the land can be used for uses as per the definition of "Community Facility" and/or "Residential" as per the definition in the scheme.
- 4.1.8. Erven 2, 70 to 72 and 80 to 86 and 173, The erf shall be affected by an 8 metre building line along the railway line boundary of the erf.

**MKHONDO MUNICIPALITY**  
CONDITIONS OF ESTABLISHMENT  
APPROVED



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**PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**

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**PROVINCIAL NOTICE 42 OF 2019****NOTICE OF APPLICATION IN TERMS OF THE GOVAN MBEKI SPATIAL PLANNING AND LAND USE  
MANAGEMENT BY-LAW, 2016, CHAPTER 5 AND 6**

I Adriaan Bekker van der Linde of Maswana JV (Pty) Ltd, being the authorised agent of the owner of the property mentioned hereunder, hereby give notice in terms of Section 50, 88 and related sections of the Govan Mbeki Municipality Spatial Planning and Land Use Management By-law, 2016 read with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), that I have applied to the Govan Mbeki Local Municipality for the Establishment of a Township as mentioned below.

**Township:** Lebohang Extension 26

**Property Description:**

Remaining extent of portion 2 of the farm Rietfontein 313 IR

**Erven:** High Density Residential 13, Medium-High Density Residential 18, Subsidised Housing 17, Medium Density Residential 981, General Mixed Use 4, Suburban Mixed Use 2, Institution 16, Utilities 5, Transport Services 2, Tourism & Accommodation 1, Open Space 36, Environmental 12.

Particulars of the application will lay for inspection during normal office hours at the office of the Manager Town and Regional Planning, 323 3<sup>rd</sup> floor, South Wing Municipal Buildings, Central Business area, Secunda for the period of 30 days from 29 March 2019

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above Address or Private Bag x 1017, Secunda, 2302, within a period of 30 days from 29 March 2019. any person who cannot write, may during office hours, attend the office of the Municipal Manager, where an official will assist that person to lodge comment.

Details of the Agent: Maswana JV (Pty) Ltd, PO Box 580, Kimberley 8300. Tel: 053 831 1889, e-mail: [riaan@msjv.co.za](mailto:riaan@msjv.co.za), ID Number: 8509255104087

29-05

**PROVINCIAL NOTICE 44 OF 2019**  
**MPUMALANGA GAMBLING ACT, 1995 (ACT NO.5 OF 1995) AS AMENDED**  
**APPLICATION FOR SITE OPERATOR LICENCE:**

Notice is hereby given that the following Applicants intend on submitting application(s) to the Mpumalanga Economic Regulator (MER) for Site Operators Licences:

1. Doret Smit trading as @ Dee'z Bar at 15 Walter Sisulu, Middelburg, 1050.
2. Dylinda Retailers (Pty) Ltd trading as Rio'Sanna at erf 184 Sarel Cilliers, Delmas, 2210.
3. David Lubisi trading as High Point Liquor Tavern at Stand 120, Maviljan, Bushbuckridge, Ehlanzeni 1280
4. Rutas Roux Chiloane trading as R & B Tavern at Stand 885 Graskop, Thaba Chweu, Ehlanzeni, 1270.
5. Paulos Wonderboy Masango trading as The Zone Sports Tavern at Stand No 5174, Zimu street, Emalahleni, Nkangala, 1039.
6. Lindiwe Prudence Nkosi trading as Khaya Tavern at Stand No. 2158 Kwazamokuhle ext2, Hendrina, Steve Tshwete, Nkangala, 1095

Notice is hereby given that the following Applicant intends on submitting application(s) for the Amendment of Site Operator License(s) to the Mpumalanga Economic Regulator (MER):

1. Amendment of application of site operator license from Wynand Liebenberg trading as Pioneers Casino to Pioneers W Entertainment (Pty) Ltd trading as Pioneers Entertainment at 80 Rissik Street, Stand 831, Ext 2 Komatipoort, Nkomazi 1340.

These applications will be open for public inspection and objection at the offices of the MER from 8 April 2019.

Attention is directed to the provisions of Section 26 of the Mpumalanga Gambling Act, 1995 that makes provision for the lodging of written objections or representations in respect of the application. Such objections or representations should be lodged with the Chief Executive Officer, Mpumalanga Economic Regular, Private Bag X9908, White River, Mpumalanga, 1240, within one month from 8 April 2019.

## PROVINCIAL NOTICE 45 OF 2019

### THABA CHWEU LOCAL MUNICIPALITY

The Municipal Manager of the Thaba Chweu Local Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Bylaws relating to the Community Fire Safety Bylaws for Fire and Rescue Services for the Thaba Chweu Local Municipality as approved and adopted by Council on 28 February 2018 under Resolution No. A13/2018 Municipality

#### PURPOSE AND SCOPE OF THIS BYLAW

The purpose and scope of this Bylaw is to formulate and promulgate a Thaba Chweu Fire and Rescue Services Bylaw which shall:

- ensure a safe and secure environment so that communities in both the rural and urban areas, commercial, agricultural and industrial business can live and operate in the understanding that Thaba Chweu Local Municipality has a fire and rescue service which is effective and meets their requirements and demands.
- ensure that urban and rural communities, commerce, agriculture and industry can operate free of threats to public safety and personal emergencies.
- provide a legal framework that the Thaba Chweu Local Municipality can enforce within its jurisdiction.
- To integrate and co-ordinate fire and rescue services within the Thaba Chweu Local Municipality and to focus on:
  - (a) Preventing and or reducing of fires;
  - (b) Investigate the impact of such fires;
  - (c) Respond and rescue in cases of fire
  - (d) Recovery process for such fires
- To provide mechanisms and processes to deal with emergencies created by various different types of fires viz:
  - (a) Bush / veld / cane / fires
  - (b) Recreational fires (braai's etc)
  - (c) Structural fires to buildings
  - (d) Controlled fires
  - (e) Chemical fires
  - (f) Fireworks and pyrotechnics displays and exhibitions
  - (g) Fires in residential areas
  - (h) Fires in commercial, agricultural and industrial areas
  - (i) Fires in rural areas
  - (j) Fires in informal settlement

### THABA CHWEU LOCAL MUNICIPALITY

#### COMMUNITY FIRE SAFETY BYLAWS FOR FIRE AND RESCUE SERVICES

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## CHAPTER 1

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#### 1. Application of Bylaws

These Bylaws apply -

- (a) within the area of jurisdiction of the Council; and
- (b) in addition to any applicable national or provincial law.

#### 2. Definitions and Interpretation

In these Bylaws unless the context otherwise indicates –

"above ground storage tank"	means a tank situated above ground for the storage of flammable substances as contemplated in SANS 0131 and SANS 089 Part 1 and SANS 087 Part 3;
"agricultural holding"	means a portion of land not less than 0.8 hectares in extent used solely or mainly for the purpose of agriculture, horticulture or for breeding or keeping domesticated animals, poultry or bees;
"approved"	means as approved by the Council;
"apparatus"	means any fire rescue response vehicle, staffed and provided with equipment or materials for the purposes of fire fighting, rescue operations, medical response and the clean-up of Hazardous Material, as well as vehicles used to transport Members, supplies, or contracted personnel required for such fire fighting, rescue, medical response or clean-up;
"automatic releasing hold-open device"	means a device used to hold open a fire door and operates on the detection of a fire to close the fire door
"building"	means: <ul style="list-style-type: none"> <li>(a) any structure, whether of a temporary or permanent nature and irrespective of the materials used in construction thereof, erected or used for or in connection with:               <ul style="list-style-type: none"> <li>• the accommodation or convenience of human beings or animals</li> <li>• the manufacture, processing, storage or sale of any goods</li> <li>• the rendering of any service</li> <li>• the destruction or treatment of combustible refuse or combustible waste</li> <li>• the cultivation or growing of any plant or crop</li> </ul> </li> <li>(b) any wall, swimming pool, reservoir or bridge or any other structure connected therewith</li> <li>(c) any fuel pump or any tank used in connect therewith</li> <li>(d) any facilities or system, or part or portion thereof, within or outside or incidental to a building, for the provision of a water supply, drainage, sewerage, stormwater disposal, electricity supply or other similar service in respect of the building</li> <li>(e) any informal structure, dwelling, shack or mobile home</li> </ul>
"bund wall"	means a containment wall surrounding an above ground storage tank, constructed of an impervious material and



	designed to contain 100% of the contents of the tank;
"certificate of fitness"	means a certificate contemplated in section 45;
"certificate of registration"	means a certificate contemplated in section 64;
"Chief Fire Officer"	means the Chief Fire Officer appointed by the Council in terms section 5 of the Fire Brigade Services Act and includes any person appointed as acting Chief Fire Officer;
"Chief Inspector of Explosives"	means the Chief Inspector of Explosives appointed in terms of section 4(1) of the Explosives Act No. 15 of 2003;
"Civil Aviation Authority"	means the South African Civil Aviation Authority established in terms of section 2 of the South African Civil Aviation Authority Act, 1998 (Act No. 4 of 1998);
"class"	means a class of petroleum product based on the following classification: <ul style="list-style-type: none"> <li>(a) Class O: liquefied petroleum gasses;</li> <li>(b) Class I: liquids subdivided as follows:               <ul style="list-style-type: none"> <li>(i) Class IA: liquids which have a closed-cap flash point below 23°C and a boiling point below 35°C; and</li> <li>(ii) Class IB: liquids which have a closed-cap flash point below 23°C and a boiling point of 38°C or above;</li> <li>(iii) Class IC: liquids which have a closed-cap flash point of 23°C or above but below 38°C;</li> </ul> </li> <li>(c) Class II: liquids which have a closed-cap flash point of 38°C or above but below 60,5°C;</li> <li>(d) Class IIIA: liquids which have a closed-cap flash point of 60,5°C or above but below 93°C; and</li> <li>(e) Class IIIB: liquids which have a closed-cap flash point of 93°C or above;</li> </ul>
"combustible liquid"	means a liquid which has a close-cap flash point of 38°C or above;
"combustible material"	means combustible refuse, combustible waste or any other material capable of igniting;
"combustible refuse"	means any combustible rubbish, litter or other material that has been discarded;
"combustible waste"	means any combustible waste material which is salvageable, retained or collected for scrap or reprocessing;
"competent person"	means a person who is qualified by virtue of his or her experience and training;
"Council"	means – <ul style="list-style-type: none"> <li>(a) the Thaba Chweu Local Municipality, exercising its legislative and executive authority through its municipal Council; or</li> <li>(b) its successor in title; or</li> <li>(c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these Bylaws, 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</li> <li>(d) a service provider fulfilling a responsibility under these Bylaws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000, or any other law,</li> </ul> as the case may be;



"dangerous goods"	means any flammable gas, flammable liquid or flammable solid as contemplated in SANS 0228;
"division separating element"	means a building element or component which separates one area in a building from another and has a fire resistance of not less than that required by the National Building Regulations (T1) read with the SANS 0400;
"dwelling house"	means a single dwelling unit situated on its own site, including any motor vehicle garage and other domestic outbuildings on that site;
"dump"	means to abandon or discard any hazardous substance by depositing, discharging, spilling or releasing it;
"emergency"	means any incident or eventuality which seriously endangers or may endanger or a situation in which there is imminent danger to public safety or a serious harm to property;
"emergency evacuation plan"	means a plan specifically designed to aid in the evacuation of occupants from a building in the event of a fire or other threatening danger and assigns responsibility to various staff, indicates escape routes to be used and provides for general contingencies for a safe and quick evacuation from a building;
"emergency route"	means that part of any escape route which- <ul style="list-style-type: none"> <li>(a) protects the occupiers of any building from fire; and</li> <li>(b) leads to an escape door;</li> </ul>
"emergency vehicle"	means any fire, rescue or other vehicle intended for use at fires and other threatening dangers;
"enclosed place"	in respect of domestic animals means any kraal, cage, camp or similar enclosure where domestic animals are kept or exercised
"escape door"	means any door at the end of an emergency route and includes any door providing entrance to, or exit from, a building;
"escape route"	means the entire path of travel, measured from an escape door to the furthest point in any room in a building;
"escape route plan"	means a diagram indicating the floor layout, the occupant's current position and the route of travel to the nearest primary and secondary escape routes in the building, as well as the action to be taken in the event of a fire or other threatening danger;
"explosives"	means explosives as defined in section 1 of the Explosives Act, 1956;
"Explosives Act"	means the Explosives Act, 1956 (Act No. 15 of 2003), and any regulations made under that Act;
"extinguishing stream"	means the amount of water that the Service needs in order to extinguish a fire;
"false alarm"	means: <ul style="list-style-type: none"> <li>(a) an alarm from a fire safety monitoring device that is not caused by heat, smoke or fire, or</li> <li>(b) a request for fire rescue services where no actual danger or possible danger to safety, health and welfare of people, property or the environment exists.</li> </ul>
"feeder route"	means that part of an escape route which allows travel in two



	different directions to the access doors of at least two emergency routes;
"Fire Brigade Services Act"	means the Fire Brigade Services Act, 1987 (Act No. 99 of 1987), and any regulations made under that Act;
"fire damper"	means an automatic damper, including its assembly, which complies with the requirements of SANS 193;
"fire door"	means an automatic or self-closing door or shutter assembly especially constructed to prevent the passage of fire for a specific length of time;
"fire -fighting equipment"	means any portable or mobile fire extinguisher, hose reel or fire hydrant;
"fire hazard"	means any situation, process, material or condition which may cause a fire or explosion or provide a ready fuel supply to increase the spread or intensity of the fire or explosion and which poses a threat to life or property;
"fire installation"	means any water installation which conveys water solely for the purposes of fire-fighting;
"fire investigation"	means the process of determining the cause, origin and circumstances of a fire or emergency.
"fire lanes"	means the road, path or other passageway constructed or designated to allow access for emergency vehicles;
"fire protection system"	means any device or system designed and installed to-
"fire wall"	means a wall that is able to withstand the effects of fire for a specific period of time as contemplated in the National Building Regulations (T1) read with SANS 0400;
"fireworks"	means any explosive device or substance which burns or explodes after ignition, including firecrackers, and which is regulated under the Explosives Act;
"fireworks display"	means the use of fireworks for purposes of a public display;
"flame emitting device"	means candles, torches, baton burners or any other flames produced by a device
"flammable gas"	means a gas which at 20°C and a standard pressure of 101,3 kilopascals – <ul style="list-style-type: none"> <li>(a) is ignitable when in a mixture of 13% or less (by volume) with air; or</li> <li>(b) has a flammable range with air of at least 12%, regardless of the lower flammable limit;</li> </ul>
"flammable liquid"	means a liquid or combustible liquid which has a closed-cap flash point of 93°C or below;
"flammable store"	means a store that is used for the storage of flammable liquids.
"flammable substance"	means any flammable liquid, combustible liquid or flammable gas;
"Group I, II, III, V, VI, VIII and IX hazardous substances"	means Group I, II, III, V, VI, VIII and IX hazardous substances, as the case may be, as contemplated in the Hazardous Substances Act;
"hazardous substance"	means any hazardous substance contemplated in the Hazardous Substances Act;
"Hazardous Substances Act"	means the Hazardous Substances Act, 1973 (Act No. 15 of



	1973), and any regulations made under that Act;
"Incident"	means any situation to which the district has responded due to the danger or a possible danger to the safety, health and welfare of people, property or the environment;
"liquefied petroleum gas"	means a mixture of light hydrocarbons (predominantly propane, propene, butane, butene) that is gaseous under conditions of ambient temperature and pressure and that is maintained in a liquid state by an increase of pressure or lowering of temperature;
"member"	means a member of the Service and includes the Chief Fire Officer;
"municipal manager"	means the municipal manager of the Council appointed in terms of Section 55 of the Municipal Systems Act 35 of 2000 as amended (MSA)
"National Building Regulations and Building Standards Act"	means the regulations promulgated in terms section 17(1) of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), and: <ul style="list-style-type: none"> <li>(a) "National Building Regulations (A2)" means the provisions regulating the submission of building plans and particulars to the Council;</li> <li>(b) "National Building Regulations (A20)" means the provisions regulating the classification and designation of occupancies;</li> <li>(c) "National Building Regulations (A21)" means the provisions regulating the population of a building;</li> <li>(d) "National Building Regulations (T1)" means the provisions regulating general requirements for fire protection of a building, and</li> <li>(e) "National Building Regulations (T2)" means the provisions regulating the offences for non-compliance with the National Building Regulations (T1);</li> </ul>
"National Road Traffic Act"	means the National Road Traffic Act, 1996 (Act No. 93 of 1996), and any regulations made under that Act;
"non-combustible"	means a substance or material classified as non-combustible when tested in accordance with SANS 0177: Part 5;
"occupancy separating element"	means a building element or component which separates one occupancy in a building from another and has a fire resistance of not less than that required by the National Building Regulations (T1) read with the SANS 0400;
"Occupational Health and Safety Act (O.H.S.A.)"	means the Occupational Health and Safety Act, 1993 (Act No 85 of 1993);
"occupier"	means any person who occupies or has control over any premises;
"open air fires"	is a fire outside of a building and includes the burning of wood, paper, coal and yard waste
"operator"	means the person responsible for the use of a motor vehicle and who has been registered as the operator of such a vehicle in terms of the National Road Traffic Act;
"owner" in relation to premises	means the registered owner of the premises and includes – <ul style="list-style-type: none"> <li>(a) any person who receives rental or profit from the premises, whether on own account or as agent;</li> </ul>





- (b) a body corporate in respect of any sectional title scheme contemplated under the Sectional Titles Act, 1986 (Act No. 95 of 1986); and
- (c) an executor or curator of any deceased or insolvent estate;
- (d) in relation to premises, other than a building, either a natural or juristic person whose identity is determined by operation of law;
- (e) in relation to a building, either a natural or juristic person in whose name the land on which such building was or is erected or such land, as the case may be, is registered in the deeds office in question;
- (f) in relation to an installation, either a natural or juristic person in whose name a contract is entered into regarding approval, erection and maintenance of the installation; provided that such a person is not the owner mentioned in (e), and
- (g) in the event of the Council being unable to determine the identity of a person mentioned in (d), (e) and (f), any person who is entitled to the benefit of the use of such premises, building or installation or who enjoys such benefit;

"person"

means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;

"person in charge"

means:

- (a) in relation to premises, either a natural or juristic person who is permanently or temporarily responsible for the management, or utilisation of the premises;
- (b) in relation to a building, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the building;
- (c) in relation to an installation, either a natural or juristic person who is permanently or temporarily responsible for the management or utilisation of the installation; provided that such a person is not the person mentioned in (a), and
- (d) in the event of the Council being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who is in the opinion of the Council deemed to be in charge of such premises, building or installation;

"premises"

means any land, building, construction or structure or part thereof and includes any train, boat, aircraft or other vehicle;

"public gathering"

includes any gathering by members of the public-

- (a) to view any theatrical or operatic performances, orchestral or choral recitals or cinematic-graphic screenings; or
- (b) to attend, practice or participate in any indoor sports activity, dance, physical activity or other recreational activity;

"service installation"

means any automatic fire-extinguishing installation, fire pump connector, fire pump, emergency power or stand-by generator, fire detection, locating or alarm system,



	emergency lighting or evacuation communication system, mechanical ventilation system, pressure regulation system, smoke ventilation system, hoist, symbolic safety sign and smoke or fire door assembly;
"site"	means any erf, lot, plot, stand or other piece of land on which a building has been, is being or is to be erected;
"spray"	means to spray, coat, plate or epoxy-coat with any hazardous substance and "spraying" has a corresponding meaning;
spraying permit"	means a permit contemplated in section 117
"spraying room"	means a room contemplated in section 121;
"Standards Act"	means the Standards Act, 1993 (Act 29 of 1993);
"storage vessel"	means a pressure vessel as defined in the Regulations for Pressure Vessels made under the Occupational Health and Safety Act;
"store room"	means a room for storage of flammable substances contemplated in section 77;
"summary abatement"	means to immediately judge a condition to be a fire hazard or other threatening danger to life or property and to order immediate correction of such condition;
"tank"	means a container mounted permanently or temporarily on or embodied in a vehicle and so constructed to be suitable for the containment of flammable liquid or gas cargo;
"underground tank"	means any tank used or intended to be used for the storage of any flammable liquid and which is wholly sunk into and below the surface of the ground;
"use"	in relation to fireworks means discharging, lighting or igniting;
"vegetation"	includes grass, weeds, leaves, shrubs and trees; and
"vehicle"	includes a trailer or semi-trailer which- <ul style="list-style-type: none"> <li>(a) has at least 4 wheels with independent axles and suspension systems; and</li> <li>(b) can be hitched to a truck-tractor or any other motor vehicle contemplated in the National Road Traffic Act.</li> </ul>
"veld"	means land which is not being or has not been cultivated and on which indigenous vegetation or other vegetation is or can be utilised as grazing for animals, occurs.
"veldfire"	means any fire on any area of land, whether cultivated or uncultivated, including any building or structure on or adjacent thereto, and in respect of which area of land, the Fire Brigade Services Act 1987 does not apply.
"water installation"	means a water installation as defined in the Council's Water Services Bylaws

And any reference to a SANS Code shall refer to the relevant Code published by the South African Bureau of Standards and issued in terms of the Standards Act.

If any provision in these Bylaws 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.

## CHAPTER 2

### FIRE PREVENTION AND FIRE PROTECTION

#### Part 1: Fire Prevention



#### **Certain fires prohibited**

3. (1) No person may make or allow any other person to make a fire that may endanger any person, animal or property.
- (2) No person may burn or allow any other person to burn any refuse or combustible material—
  - (a) without the prior written permission of the Chief Fire Officer; or
  - (b) unless the refuse or combustible material is burnt in an approved incinerating device.
- (3) Any person who makes a fire or allows any other person to make a fire, must take reasonable steps to ensure that the fire does not endanger any person, animal or property.
- (4) The prohibition in subsection (2) does not apply to any fire made—
  - (a) in an approved and purpose-made stove, fireplace or hearth that forms an integrated part of a building or structure;
  - (b) for the purpose of preparing food on private premises set aside for that purpose; or
  - (c) in any device for preparing food which —
    - (i) is heated by electricity or liquified petroleum gas; and
    - (ii) is so positioned that the fire does not endanger any person, animal or property.

#### **Reporting a fire hazard and other threatening danger**

4. An owner or the person in charge of any premises must, upon discovering any evidence of a fire hazard or other threatening danger pertaining to this by-law, immediately notify the Council of such fire hazard or threatening danger.

#### **Access for emergency vehicles**

5. 1. When, in the opinion of the Council, premises are not readily accessible from public roads it must be provided with emergency vehicle access which must —
  - (a) be constructed so that it is capable of supporting the mass of the heaviest emergency vehicle required to cater for the risk of the premises; and
  - (b) where the premises have a motorized or electronically operated gate, be equipped in such a manner that access to the premises can be gained without the use of a motor or electronic device.
2. Fire lanes must be provided for all premises which are set back more than 45 metres from a public road or exceed nine metres in height and are set back over 15 metres from a public road.
3. Fire lanes must be at least four metres in width, the position of which must be decided upon after consultation with the Council, and the area from ground level to a clearance height of four metres above the fire lane must remain unobstructed.
4. A cul-de-sac that is more than 90 metres in length, must be provided with a minimum turning circle at the closed end of the road capable of accommodating the largest emergency vehicle which is required to cater for the risk of the premises.
5. The design, marking, use and maintenance of fire lanes not forming part of a public road must comply with the requirements of the Council.
6. It is unlawful for a person to park a vehicle in or otherwise obstruct a fire lane.

#### **Division and occupancy separating elements**

6. An owner or person in charge of a building may not alter a division or occupancy separating element in anyway that would render it less effective or to allow flame, heat or combustion products from penetrating into the adjacent compartment or structure.

#### **Fire doors and assemblies**

7. (1) Subject to the provisions of SANS 1253, a fire door and assembly must be maintained in such a manner that in the event of a fire it retains its integrity, insulation and stability for the time period required for that particular class of door.
- (2) A fire door may be kept open, only when it is equipped with an automatic releasing hold-open device approved by the Council.



- (3) A fire door and assembly may not be rendered less effective through:-
- (a) altering the integrity, insulation or stability of a particular class of door;
  - (b) disconnecting the self-closing mechanism;
  - (c) wedging, blocking or obstructing the door so that it cannot close;
  - (d) painting the fusible link actuating mechanism of a door;
  - (e) disconnecting or rendering less effective an electric or electronic release mechanism, or
  - (f) any other action that renders a fire door or assembly less effective.

**Escape Routes**

8. (1) No part of a fire escape route shall be obstructed or rendered less effective in any way.
- (2) A locking device, which is fitted to an access or escape door in an escape route, must be of a type approved by the Council.
- (3) Where required by the Council, an escape route must be clearly indicated with signage, which complies with SANS 1186, indicating the direction of travel in the event of fire or any other emergency.

**Combustible waste and refuse**

9. (1) The owner or person in charge of the premises or a portion thereof must not allow combustible waste or refuse to accumulate in any area or in any manner so as to create a fire hazard or other threatening danger.
- (2) Combustible waste and refuse must be properly stored or disposed of to prevent a fire hazard or other danger.

**Combustible or flammable substances and sweeping compounds**

10. (1) Only water-based solutions, detergents, floor sweeping compounds and grease absorbents must be used for cleaning purposes.
- (2) The use of sawdust or similar combustible materials to soak up spilled combustible or flammable substances is prohibited.

**Accumulations in chimneys, flues and ducts**

11. The owner or person in charge of the premises or a portion thereof must not allow soot or any other combustible substance to accumulate in a chimney, flue or duct of the premises in such quantities or in such a manner as to constitute a fire hazard or other threatening danger.

**Sources of ignition**

12. (1) Smoking, the carrying of matches, the use of heating, flame-emitting devices or spark-producing equipment is prohibited in areas containing combustible or flammable substances.
- (2) Hot ashes, cinders or smouldering coals must be placed in a non-combustible container and the container must be placed on a non-combustible surface or stand.
- (3) An adequate distance, as deemed appropriate by the Council, must be ensured and maintained between combustible substances and heating or lighting equipment or other sources of ignition.
- (4) Portable heaters must be secured so that they cannot be overturned and the Council may prohibit the use of portable heaters in respect of occupancies or situations where such use or operation would present a fire hazard or other threatening danger.

**Smoking**

13. (1) If conditions exist where smoking creates a fire hazard on the premises, smoking is prohibited and "No Smoking" signs must be displayed as directed by the Council and the signs must comply with SANS 1186: Part 1.
- (2) No person may remove a "No Smoking" sign.
- (3) No person may light or smoke a cigar, cigarette, pipe, tobacco or other substance or ignite or otherwise set fire to other material, nor hold, possess, throw or deposit any lighted or smouldering



substance in any place where expressly prohibited.

- (4) A person may not throw, put down or drop a burning match, burning cigarette, or other burning material or any material capable of spontaneous combustion or self-ignition in a public road or public place.

#### **Electrical fittings, equipment and appliances**

14. No person may cause or permit –

- (1) an electrical supply outlet to be overloaded; or
- (2) an electrical appliance or extension lead to be used in a manner which is likely to create a fire hazard or other threatening danger.
- (3) An illegal electrical connection to any building.

#### **Combustible material**

15. (1) A person may not store, transport, use or display or cause or permit to be stored, transported, used or displayed, whether inside or outside any premises, any combustible material or a flammable substance in quantities or in a position or in a manner likely to cause or create a fire hazard or other threatening danger.
- (2) The owner or person in charge of any premises may not permit vegetation to grow or accumulate thereon, or other combustible material to accumulate thereon, in a manner likely to cause a fire hazard or other threatening danger.

#### **Storage and accumulation of combustible material prohibited without a valid permit**

16. (1) No person may store any combustible material or allow it to be stored, at any place or in any manner that may pose a fire hazard to any person, animal or property.
- (2) No person may allow the accumulation of dust at any place in quantities sufficient to pose a fire hazard to any person, animal or property.
- (3) No person may use or allow to be used any sawdust or similar combustible material to soak up any flammable liquid.
- (4) No person may allow soot or any other combustible material to accumulate in any chimney, flue or duct in such quantities or in any manner that may pose a fire hazard to any person or property.
- (5) No person may allow any vegetation to become overgrown at any place under that person's control that may pose a fire hazard to any person, animal or property.
- (6) If a fire hazard contemplated in subsection (5) arises, the owner or occupier of the property concerned must without delay eliminate the hazard or cause the hazard to be eliminated by –
- (a) cutting any grass, leaves or weeds associated with the fire hazard to a maximum height of 150 millimetres;
  - (b) pruning, chopping down or sawing any shrub or tree; and
  - (c) removing any resulting combustible residue from the property.

#### **Flame-emitting devices**

17. (a) No person may use or cause or allow the use of any flame-emitting device, including but not limited to any candle, lantern or torch, in any manner that may pose a fire hazard to any person or property.
- (b) Notwithstanding the provisions of 17(a) above A person may light a fire or use a flame-emitting device for the purpose of preparing food or for any other domestic purpose in a manner which will not cause a fire hazard or other threatening danger or where such a fire is not precluded by any other legislation.

#### **Open air fires**

18. (1) No person shall start or permit an open air fire within the district unless that person has obtained a permit in the form approved by the council of the district.
- (2) Notwithstanding the provisions of 18(1) above a permit shall not be required for an open fire where:
- (a) the open fire is used for cooking on a grill or a braai, or
  - (b) contained within a fire pit or outdoor fire place as set out in clause



#### Fire pits and outdoor fireplaces

19. (1) Fire pits and outdoor fireplaces shall meet the following requirements:
  - (a) the fire be contained in a non-combustible receptacle constructed of concrete, clay, brick or sheet metal with a minimum 18 gauge thickness;
  - (b) the receptacle is covered with a heavy gauge metal screen with openings not exceeding 13 millimeters; and
  - (c) the size of the fire box of any receptacle does not exceed 75cm in any dimension
- (2) The fuel used in the Fire Pits and Outdoor Fireplaces shall be only charcoal, cut seasoned wood, or manufactured fire logs.
- (3) No person shall cause, allow or permit the burning of the following materials in a Fire Pit or Outdoor Fireplace:
  - (a) waste, including rubbish, slimes, manure, treated or painted lumber, livestock or animal carcasses, tailings, garbage, garden refuse, or scrap;
  - (b) any material classified by authority having jurisdiction as hazardous material or dangerous good; or
  - (c) any material that generates black smoke or an offensive odour when burned including but not limited to, insulation from electrical wiring, rubber tires, asphalt shingles, hydrocarbons, plastics and lumber treated with wood preservatives.
- (4) All Fire Pits or Outdoor Fireplace shall be located a minimum of 3 meters from any combustible material, building, porch, deck, similar amenity space and property line.
- (5) All Fire Pits or Outdoor Fireplaces shall not be used on combustible decks or on apartment balconies.
- (6) All Fire Pits or Outdoor Fireplaces shall be situated on a non-combustible surface.
- (7) All Fire Pits and Outdoor Fireplaces shall be supervised by an adult so as to prevent the spread of fire.
- (8) If smoke from a Fire Pit or Outdoor Fireplace causes an unreasonable interference with the use and enjoyment of another person's property, the fire shall be extinguished immediately.
- (9) Fire Pits or Outdoor Fireplaces shall not be used in windy conditions conducive to creating a fire spread.
- (10) Fire Pits or Outdoor Fireplace shall be clear of overhangs such as tree branches, utility lines and structures.
- (11) Any person that uses a Fire Pit or Outdoor Fireplace shall ensure that a means of extinguishing the fire is readily accessible at all times while the fire is burning.
- (12) Where requested by the Fire Chief, a Fire inspector or a peace officer, a person shall extinguish a fire in a Fire Pit or Outdoor Fireplace.
- (13) Notwithstanding any provisions of this Bylaw, the Fire Chief may declare a complete ban of any burning of any kind in the district.
- (14) No person shall ignite or allow any kind of fire when a complete ban on burning has been declared by the Fire Chief.

#### Veldfire prevention through fire-breaks

20. (1) Every owner or occupier of an agricultural holding or farm on whose land a veldfire may start or burn must clear and maintain a safety fire-break along every boundary of the agricultural holding or farm that—
  - (a) is at least 5 metres wide (when measured parallel from the boundary concerned); and
  - (b) contains no vegetation or combustible residue.
- (2) If an obstruction occurs within the boundaries of a safety fire-break, the owner or occupier concerned must clear and maintain a 5 metre-wide safety fire-break around that obstruction.
- (3) No person may clear or maintain a safety fire-break by burning without the prior written permission of the Chief Fire



Officer.

- (4) Any person who intends to clear or maintain a safety fire-break by burning must—
  - (a) apply in writing to the Chief Fire Officer for permission, stipulating the property concerned and the proposed date and time of the burning; and
  - (b) unless the burning is to be performed by a person or body accredited for this purpose by the Council, request the Service to provide assistance at the burning against payment of the prescribed fee.
- (5) Any owner who has reason to believe that a fire on his or her land or the land on an adjoining owner, may endanger life, property or the environment, must immediately:
  - (a) notify the chief fire officer
  - (b) the owners of adjoining land
  - (c) do everything in his power to stop the spread of the fire

#### **Shack fire prevention**

21. Any person who occupies a shack shall:
  - (1) Exercise extreme caution when using a paraffin stove
  - (2) not cook near a window with curtains
  - (3) make sure that the stove / candles are secured adequately ensuring that it does not fall over
  - (4) not sleep with candles and or paraffin lanterns still burning
  - (5) not discard cigarette butts in the shack
  - (6) not make any illegal or faulty electrical connections from the shack to any point of electricity supply
  - (7) ensure that a bucket filled with water is within easy access in order to extinguish any fire
  - (8) ensure that a bucket filled with sand is within easy access in order to extinguish any fire
  - (9) build dwellings at a safety distance of no less than 3 meters apart in accordance with Section 50 to prevent fires from spreading
  - (10) keep roads and access to dwellings clear at all times
  - (11) not prevent, disrupt or interfere with the services of the fire crew when they are fighting fires

#### **Part 2: Fire Protection**

##### **Design and construction of buildings**

22. (1) Subject to the provisions of subsection (3), every owner of a building, excluding a dwelling house, must ensure that it is designed and constructed in a manner that –
  - (a) provides for –
    - (i) the effective drainage of any water that may result from fire-extinguishing activities; and
    - (ii) the discharge of that water directly into a storm water drain;
  - (b) prevents any water that may result from fire-extinguishing activities from draining–
    - (i) down any stairway or lift shaft;
    - (ii) down any electrical shaft or telecommunications service shaft;
    - (iii) down any shaft that is connected to a basement level; or
    - (iv) along any approach to a building or any vehicle access ramp leading to or from a building;
  - (c) if any water resulting from fire-extinguishing activities should spill into a basement, that water is discharged directly into a storm water drain; and



- (d) complies with the requirements of SANS 0400 (Parts A, K, M, O, T, V and W) insofar as it relates to fire protection.
- (2) Subject to the provisions of subsection (3), every owner of a building equipped with a transformer room must ensure that—
  - (a) the transformer room is situated on the ground level;
  - (b) access to the transformer room is from outside the building; and
  - (c) there is adequate and ready access to the transformer room for fire-fighting and maintenance activities.
- (3) Subsections (1) and (2) do not apply in respect of any building which exists at the commencement of these Bylaws.

#### **Design and construction of dumping sites**

- 23. (1) Every person who designs or constructs any dumping site, must ensure that it is designed and constructed in accordance with the instructions of—
  - (a) the Department of Water Affairs and Forestry; and
  - (b) the Council.

#### **Design and construction of other structures, sites and informal settlements**

- 24. (1) Every person who designs, constructs or erects any of the following structures, must ensure that they comply with a rational design as contemplated by the National Building Regulations and Building Standards Act -
  - (a) any grain silo;
  - (b) any atrium;
  - (c) any air traffic control tower;
  - (d) any tower for telecommunications or other uses;
  - (e) any thatched structure which is larger than 20 square metres and situated within 4.5 metres of any boundary line of the property concerned;
  - (f) any tent or other temporary structure for holding a public gathering; and
  - (g) any open-plan commercial or industrial premises with a covering distance that exceeds 45 metres measured from any point in the premises to any escape or exit door.
- (2) Every person who designs or constructs any aircraft hanger or helicopter pad, must ensure that it—
  - (a) complies with a rational design as contemplated by the National Building Regulations and Building Standards Act;
  - (b) provides for the effective drainage of any liquid from the floor of the hanger or helicopter pad or any approach to the aircraft hanger or helicopter pad;
  - (c) provides for the effective channelling of any liquid from the floor of the hanger or helicopter pad to a drainage area connected to a separator well;
  - (d) prevents the spread of any liquid from the floor of the hanger or helicopter pad; and
  - (e) is equipped with effective earthing devices for the discharge of static electricity.
- (3) In the event of establishment of any informal settlement area the following minimum requirements shall apply:
  - (a) a safety distance of 3 meters between structures shall be maintained
  - (b) the settlement must be divided into blocks of not more than 20 structures per block with a minimum distance of 6 meters between blocks

#### **Design and construction of hospitals**

- 25. Every person who design, construct or erects a hospital must ensure that it is designed and constructed in accordance with the Fire Detection and alarm systems for hospitals known as SANS322:2005





#### Requirements for sprinkler systems

26. (1) If a sprinkler system is required in any building in accordance with SANS 0400, SANS 087 (Part III) or SANS 089 (Part I) or if the Council so requires, the owner of the building must ensure that the building is equipped with a sprinkler system.
- (2) Every person who designs, constructs or installs a sprinkler system must ensure that it is designed, constructed and installed -
- (a) in accordance with SANS 0287; and
  - (b) in compliance with the requirements of SANS 0400 (Parts A, K, M, O, T, V and W) insofar as it relates to fire protection.

#### Requirements for extractor fan systems

27. (1) Every person who designs, constructs or installs an extractor fan system, any related ducts or any similar chimney system and every owner of a building in which such a system is installed must ensure that-
- (a) it is designed, constructed and installed in a manner that provides for clearly demarcated, adequate and easy access for inspection, maintenance and repairs; and
  - (b) the conduit and outlet of any such system is installed in a manner that does not result in a fire hazard to any person or property.
- (2) Every owner of a building in which an extractor fan system, any related ducts or any similar chimney system has been installed, must ensure that every filter, damper, screen or conduit forming an integral part of the system is regularly inspected, cleaned and maintained to ensure that fatty residues or any other combustible residues do not accumulate.

#### Requirements for emergency exits

28. (1) Every owner of a building must ensure that any escape door in that building-
- (a) is fitted with hinges that open in the direction of escape; and
  - (b) is equipped with a fail-safe locking device or devices that do not require a key in order to exit.
- (2) Every owner of a building must ensure that any door in a feeder route-
- (a) is a double swing-type door;
  - (b) is not equipped with any locking mechanism.
- (3) Notwithstanding the provisions of subsection (2), if it is necessary that a door, in a feeder route be locked for security reasons, the owner of the building must provide an alternative means of escape approved by the Chief Fire Officer.
- (4) No person may obstruct or allow the obstruction of any escape route from any premises that may prevent or hinder the escape of any person or animal from the premises in an emergency.

#### Requirements for fire detection and alarm systems for building

29 Every person who plan, designs, installs, commissions and maintains fire detections and fire alarms systems in and around buildings, other than dwelling must comply with Standards set out in SANS 10139 : 2007

#### Design, identification and access for fire-fighting and rescue purposes

- 30 (1) Subject to the requirements of any town planning scheme or the conditions of establishment of any township, every person who plans, designs or constructs a building, excluding a dwelling house, must ensure that the premises on which the building is situated, are planned, designed and constructed so that-
- (a) at least one elevation of the building fronts onto a street;
  - (b) if the premises do not front onto a street, an access road is provided with dimensions and carrying capacity approved in writing by the Chief Fire Officer;
  - (c) there is a climate-proof and weather-proof parking surface for parking and operating fire brigade machines and equipment in an emergency -



- (i) of dimensions at least 10 metres wide;
    - (ii) that runs the full length of the side elevation of the building that borders the surface; and
    - (iii) with a carrying capacity of at least 70 metric tons; and
  - (d) any entrance arch to the premises provides an opening with dimensions at least 4 metres wide x 4.2 metres high, unless there is an alternative and easy access route to the premises of at least the same dimensions.
- (2) For purposes of easy identification by any member of the Service in an emergency, every owner or occupier of premises must ensure that the correct street number of the premises—
- (a) is displayed clearly on the street boundary of the premises in numbers at least 75 millimetres high; and
  - (b) is visible from the street; and
  - (c) is maintained in a legible condition at all times.
- (3) For the purposes of causing identification by any member of the service in an emergency in a rural area, every owner or occupier of premises which does not have the identifying features as set out in 29(2) above must:
- (a) have a red emergency flag which:
    - (i) is displayed by the owner or occupier clearly on the street boundary of the premises
    - (ii) it is visible from the street
    - (iii) be identifiable by a popular landmark eg, name of school, shop, police station, tribal chief etc.

#### **Barricading of vacant buildings**

31 Every owner or person in charge of a building or portion of a building that is vacant must, at his or her own cost and to the satisfaction of the Chief Fire Officer

- (a) remove all combustible waste and refuse from the building; and
- (b) block, barricade or otherwise secure all windows, doors and other openings in the building in a manner that will prevent the creation of any fire hazard caused by entering of the building by any unauthorised person.

#### **Part 3: Fire Fighting Equipment and Emergency Evacuation Plans and Fire Chiefs Powers**

##### **Installation and maintenance of fire-fighting equipment**

- 32 (1) Every owner of a building must ensure that—
- (a) Fire extinguishers must be provided and installed on premises as required by the National Building Regulations (T1) and (T2).
  - (b) all fire-fighting equipment and service installations on the premises are installed in a manner and condition ready for use in an emergency;
  - (c) all portable and mobile fire-extinguishers and all hose reels on the premises are serviced and maintained in accordance with the OHSWA regulations and safety regulations SANS 0105 and SANS 1475; Part 1, SANS1571, SANS 1573 and SANS 0105 : Part 1
  - (d) all fire-fighting equipment and service installations on the premises are-
    - (i) maintained in a good working condition by a competent person;
    - (ii) inspected and serviced in accordance with manufacturer specifications; and
    - (iii) are inspected by an appropriately registered and competent person at least once every 12 months; and
  - (d) a comprehensive service record of all fire-fighting equipment and service installations on the premises is maintained and furnished to the Chief Fire Officer every 12 months.
2. Every person who fills, recharge, reconditions, modify, inspects, services, repairs or test any fire-fighting equipment or service installation must—



- (a) be a holder of a permit issued in terms of SANS or a certificate of competence issued by the South African Qualifications Certification Committee.
  - (b) on completing the inspection, service or repairs, as the case may be –
    - (i) certify in writing that the equipment or installation concerned is fully functional; and
    - (ii) furnish that certificate to the owner of the premises; or
  - (c) if the equipment or installation cannot readily be repaired to a functional state, notify the Chief Fire Officer of this fact in writing without delay.
3. Except for purposes of inspection, service, repair or fire-fighting, no person may remove or interfere with any fire-fighting equipment or service installation at any premises.
4. No person may alter, damage, misuse or render ineffective any fire-fighting equipment or service installation at any premises.

#### Fire extinguishers

- 33
- (1) Fire extinguishers must be provided and installed on premises as required by the National Building Regulations (T1) and (T2)
  - (2) Fire extinguishers must be maintained in accordance with the requirements of the Occupational Health and Safety Regulations, SANS 1475: Part 1, SANS 1571, SANS 1573 and SANS 0105: Part 1
  - (3) The owner or person in charge of the premises may not allow a fire extinguisher to be filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit or certificate mentioned in subsection 31(2).
  - (4) Where a fire extinguisher has been filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit mentioned in subsection 31(2), the Council must instruct the owner or person in charge of such premises to have the work carried out by a person who is in possession of such a permit or certificate.
  - (5) When, in the opinion of the Council, a fire extinguisher is unsafe or ineffective either by reason of deterioration, design or construction, the Council must instruct the owner or the person in charge of the premises to have the appliance inspected and tested in terms of SANS 1475: Part 1 and SANS 1571.
  - (6) A fire extinguisher may not be removed from the premises for filling, recharging, reconditioning, modification, repair, inspection or testing unless the appliance is replaced temporarily with a similar appliance in good working condition.
  - (7) A fire extinguisher may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in an area where such action would create a danger or hazard.
  - (8) Every owner on whose land a veldfire may start or burn or from whose land it may spread must:
    - (a) have such equipment, protective clothing and trained personnel for extinguishing fires;
    - (b) ensure that in his absence responsible persons are present on or near his or her land.

#### Testing and maintenance of fire protection systems

- 34
- (1) A fire protection system must be tested and maintained on a regular basis and the owner or person in charge of the premises must keep a detailed record of the test and maintenance of the system.
  - (2) A person may not test a fire protection system before notifying the occupants of the premises concerned of the starting and completion times of the test, and where applicable, the parties who monitor the fire protection system.
  - (3) A fire protection system designed for detecting, fighting, controlling and extinguishing a fire must be maintained in accordance with the National Building Regulations (T2).
  - (4) A fire protection system may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in any area where such action would create a danger or hazard.
  - (5) The owner or person in charge of the premises must immediately notify the Council when the fire protection system, or a component thereof, is rendered inoperable or taken out of service and must notify the Council as soon as the system is restored.
  - (6) The owner or person in charge of the premises must take all steps deemed necessary by the Council



to provide alternate equipment to maintain the level of safety within the premises.

#### Fire-fighting equipment

- 35 (1) Any person who holds a certificate of registration or other authorisation contemplated in these Bylaws must ensure that the premises to which the authorisation applies, are equipped with –
- (a) portable fire extinguishers –
    - (i) as specified in SANS 1567 (carbon dioxide-type), SANS 810 (dry chemical-type), SANS 1573 (foam-type) and SANS 1571 (transportable-type);
    - (ii) in such numbers as is appropriate in each section of the premises in accordance with the SANS codes applicable to the flammable substance and risk concerned;
  - (b) if applicable, hose reels as specified in SANS 453 (hose reels), that are connected to a water supply –
    - (i) as contemplated in SANS 0400 (Part W); and
    - (ii) that enables each hose reel to maintain a minimum flow of 0,5 litres per second at a minimum work pressure of 300 kPa;
  - (c) if applicable, fire hydrants –
    - (i) with couplings as specified in SANS 1128 (Part II) (fire-fighting equipment- couplings); and
    - (ii) in a ratio of at 1 to every 1000 square metres or part thereof. and
  - (d) if applicable, in relation to any above-ground facility, a sprinkler system or delute system that –
    - (i) is approved by the Chief Fire Officer; and
    - (ii) with the exception of temporary storage facilities, is installed in a position indicated in the building plans for the premises.
- (2) Notwithstanding the provisions of subsection (1), if the Chief Fire Officer believes that there is any exceptional hazard or risk in respect of the premises concerned, he or she may –
- (a) specify the type of fire extinguisher to be installed;
  - (b) require that a greater number of fire extinguishers be installed; and
  - (c) require that a fire detection or warning system be installed.
- (3) The holder of any certificate of registration or other authorisation contemplated in these Bylaws must ensure that all fire-fighting equipment contemplated in subsection (1) –
- (a) is inspected, maintained and serviced to the satisfaction of the Chief Fire Officer –
    - (i) by a competent, registered and appropriately qualified tradesman in accordance with the provisions of SANS 1015 and SANS 1475;
    - (ii) at least every 12 months;
  - (b) if installed outside the premises, is adequately protected from the weather; and
  - (c) is positioned prominently or where this is not possible, the position of the fire-fighting equipment is clearly indicated by a symbolic safety sign–
    - (i) in accordance with the specifications of SANS 1186; and
    - (ii) to the satisfaction of the Chief Fire Officer.

#### Interference with fire protection systems and fire extinguishers

36. No person shall tamper or interfere with a fire extinguisher or fire protection system, except as may be necessary during emergencies, maintenance, drills or prescribed testing.

#### Powers of the chief fire officer

- 37 (1) Without restricting any other power, duty or function granted by this bylaw or any other legislation the chief fire officer may:



- (a) carry out inspections to determine compliance with this bylaw
- (b) take any steps or carry out any actions required to remedy a contravention of this bylaw;
- (c) take any steps or carry out any actions required to remedy a contravention of this bylaw;
- (d) establish forms for the purposes of this bylaw;
- (e) issue permits with such terms and conditions as are deemed appropriate;
- (f) establish the criteria to be met for a permit pursuant to this bylaw
- (g) delegate in terms of Section 19 of the Fire Brigades Act any powers, duties or functions under this bylaw to an employee of the Council;
- (h) delegate any power granted to him under this bylaw, excluding the power obtained in this section.
- (i) Grant authority that a duty so assigned to him may be performed by such a member
- (2) A power so delegated and a duty so authorised shall be exercised or performed subject to the directions of the chief fire officer who may at any time withdraw such delegation or authority.
- (3) A delegation under subsection (2) above does not prevent the chief fire officer from exercising the power in question himself

#### **Emergency powers of the chief fire officer**

38 Without restricting any other power, duty or function granted by this bylaw or any other legislation the chief fire officer may in an emergency, take whatever actions or measures are necessary to eliminate or mitigate the emergency including:

- (a) causing a building or structure to be demolished or removed;
- (b) entering a property or building with any required persons and equipment;
- (c) prohibiting the entry of unauthorised persons to any prescribed area or to within a certain distance of the location of any emergency;
- (d) requesting members of a police service to provide assistance in enforcing any of these powers;
- (e) providing an oral or written order requiring a person to provide labour, services, equipment or materials to assist in eliminating or mitigating the emergency.

#### **Order to comply by Chief Fire Officer**

- 39
- (1) If the chief fire officer believes, on reasonable grounds, that a person is contravening any provision of this bylaw, he may by written order, require any person responsible for the contravention to remedy it.
  - (2) The Chief Fire Officer order may:
    - (a) direct a person to stop doing something, or to change the way in which the person is doing it;
    - (b) direct a person to take any action or measures necessary to remedy the contravention of the bylaw and if necessary to prevent a re-occurrence of the contravention;
    - (c) state a time within which the person must comply with the directions;
    - (d) state that if the person does not comply with the directions within a specified time, the Council will take the action or measure.
  - (3) A person named in and served with an order issued pursuant to this section shall comply with any action or measure required to be taken within the time specified.
  - (4) An order issued pursuant to section 38 may be served:
    - (a) in the case of an individual:
      - (i) by delivering it personally to the individual;
      - (ii) by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age, or



- (iii) by registered mail addressed to the individual at their apparent place of residence or at any address for the individual on the council records
- (b) in the case of a corporation or trust:
  - (i) by delivering personally to any director or officer or trustee of the corporation or trust;
  - (ii) by delivering it personally to a person apparently in charge of an office of the corporation or trust at an address held out by the corporation or trust to be its address; or
  - (iii) by mail addressed to the registered office of the corporation or trust.

#### **Attendance during function in place used for entertainment**

- 40. (1) When the Council is of the opinion that a representatives of the fire brigade service are required to be in attendance during a function in a place used for entertainment or public assembly, the Council may provide, in the interest of public safety and subject to the exigencies of the service, one or more members, a vehicle or equipment of a service to be in attendance on the premises for the duration of the function or part thereof.
- (2) Where the entertainment or public assembly is taking place on Council property, the costs of the attendance of the representatives of the fire brigade service shall be recoverable from the organizers

#### **Chief Fire Officer may designate premises for emergency evacuation plans**

- 41 (1) The Chief Fire Officer may by written notice designate any premises as a premises requiring an emergency evacuation plan.
- (2) The notice contemplated in subsection (1), must be served on the premises concerned and addressed to the owner or occupier.

#### **Duties of owner or occupier of designated premises**

- 42. (1) The owner, or with the approval of the Chief Fire Officer, the occupier, of any premises designated in terms of section 40 shall -
  - (a) prepare a comprehensive emergency evacuation plan for the premises in accordance with the guideline contained in Schedule 1 and submit it to the Chief Fire Officer in triplicate within 30 days of service of the designation notice;
  - (b) establish a fire protection committee comprised of occupiers of the premises or in the case of a rural area, or committee of volunteers to assist the owner or occupier to organise a fire protection programme and regular and scheduled fire evacuation drills;
  - (c) ensure that the emergency evacuation plan is reviewed-
    - (i) at least every 12 months;
    - (ii) whenever the floor layout of the premises is changed; and whenever the Chief Fire Officer requires revision of the plan;
  - (d) ensure that an up-to-date emergency evacuation plan, any fire protection programmes, evacuation drills and any related documents are kept, maintained and all times available in a control room on the premises for inspection by any member of the Service; and
  - (e) identify a place of safety off the designated premises, but in the immediate vicinity of the premises, where persons who reside or work on the premises may gather during an emergency for the purpose of compiling a list of survivors.
- (2) The Chief Fire Officer may in respect of premises designated in terms of section 40 -
  - (a) require the review of any emergency evacuation plan by the owner or occupier and may provide directions in this regard;
  - (b) instruct the owner or occupier to implement a fire protection program that the Chief Fire Officer believes is necessary to ensure the safety of persons and property on the premises; and
  - (c) require the owner or occupier to provide the Chief Fire Officer with a certified copy of the emergency evacuation plan and any associated documents at a specified time and place.



#### Displaying of escape route plans

43. The escape route plan must be displayed in a conspicuous position in any room designed for sleeping purposes.

#### Formulation of an emergency evacuation plan

44. (1) The owner or person in charge of a school, hospital, residential institution, hotel, guest house, hostel or other similar occupancy which has a population in excess of 25 persons (including staff), must formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.
- (2) The Council may order the owner or person in charge of the premises, other than those contemplated in subsection (1), to formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.
- (3) The plan mentioned in subsections (1) and (2) must be revised if an aspect thereof is no longer applicable or if the building for which the plan was designed has changed.
- (4) The emergency evacuation plan must be tested in its entirety at a maximum of six-monthly intervals or when the plan has been revised and a record of the testing must be kept in a register.
- (5) The register mentioned in subsection (4) must contain the following information:
- (a) the date and time of the test;
  - (b) the number of participants;
  - (c) the outcome of the test and any corrective actions required, and
  - (d) the name and signature of the person supervising the test.
- (6) The register, together with the emergency evacuation plan, must be available on the premises for inspection by the Council.
- (7) The Council may evaluate the formulation and implementation of the emergency evacuation plan and may officially communicate any recommendations or remedial actions to improve or rectify faults in the plan.

#### *Part 4: Certificates of Fitness for Certain Buildings*

#### Prohibition of public gatherings in certain circumstances

45. (1) No person may hold a public gathering or allow a public gathering to be held in any building or temporary structure unless a certificate of fitness has been issued by the Chief Fire Officer in respect of that building or temporary structure, unless a certificate of fitness previously issued in terms of this subsection, has not yet expired.
- (2) Subsection (1) does not apply in respect of a building or temporary structure which existed at the commencement of these Bylaws, unless after that date—
- (a) the building or temporary structure is rebuilt, altered, extended or its floor layout is changed; or
  - (b) ownership or control of the building or structure changes.

#### Application for certificate of fitness

46. (1) Every owner of a building or temporary structure intended for the holding of a public gathering must -
- (a) complete and submit to the Chief Fire Officer an application form for a certificate of fitness in the form and manner determined by the Council; and
  - (b) pay the prescribed fee.
- (2) An application contemplated in subsection (1) must be submitted at least 30 days before any intended public gathering.

#### Requirements for certificate of fitness

47. The Chief Fire Officer may not issue a certificate of fitness in respect of a building or temporary structure -
- (a) unless the Council is in possession of an up-to-date set of building plans for the premises;



- (b) unless the building or temporary structure complies with the requirements of these Bylaws ; and
- (c) for a period of validity exceeding 12 months.

#### Form and content of certificate of fitness

- 48 A certificate of fitness must be in the form determined by the Council and must at least record the following information, where applicable:
- (a) (i) The trade name and street address of each occupier of the building or temporary structure;
  - (ii) In the case of a rural area the trade name and some identifiable marker eg name of trading store or chief or induna
  - (b) a description of the type of activity carried on by each occupier of the building or structure;
  - (c) the full names and addresses of the persons who serve on the governing or similar body of each occupier;
  - (d) the maximum permissible number of people who may be admitted to the useable floor area of the building or structure;
  - (e) the number of emergency exits and their dimensions; and
  - (f) the dates of issue and expiry of the certificate and its serial number.

#### Duties of holder of certificate of fitness

- 49 The holder of a certificate of fitness must -
- a. comply with the provisions of the certificate of fitness;
  - b. at all times -
    - i. display the certificate prominently on the premises; and
    - ii. maintain the certificate in a legible condition;
  - c. immediately notify the Chief Fire Officer in writing of any change to the trade name, activity or governing or similar body of any occupier of the building or structure; and
  - d. submit any application for renewal of the certificate of fitness at least 30 days before its expiry in the form and manner determined by the Council together with the prescribed fee.

#### Cancellation of certificate of fitness

- 50 (1) The Chief Fire Officer may cancel any certificate of fitness in respect of a building or temporary structure if he or she has reason to believe that -
- (a) the owner or occupier concerned contravenes or fails to comply with any provision of these Bylaws ; or
  - (b) the building or structure contravenes or does not comply with the requirements of these Bylaws .
- (2) Subject to subsection (3), before the Chief Fire Officer cancels a certificate of fitness as contemplated in subsection (1), he or she must -
- (a) give the owner or occupier concerned written notice of the intention to cancel the certificate of fitness and the reasons for such cancellation;
  - (b) give the owner or occupier concerned a period of at least 20 days to make written representations regarding the matter; and
  - (c) consider any representations received.
- (3) If the Chief Fire Officer has reason to believe that the failure to cancel a certificate of fitness within the period contemplated in subsection (2)(b), may endanger any person or property, he or she may cancel a certificate of fitness without prior notice to the owner or occupier concerned.
- (4) If the Chief Fire Officer cancels a certificate of fitness in terms of subsection (3), he or she must -
- (a) furnish the owner or occupier of the building or temporary structure concerned with written notice of the cancellation;
  - (b) provide the owner or occupier a period of at least 20 days to make written representations regarding the cancellation; and





- (c) consider any representations received.
- (5) The Chief Fire Officer may, after considering the representations contemplated in subsection (4), reverse the decision to cancel the certificate of fitness.

#### **Part 5: Water supply for fire-fighting purposes**

##### **Township and informal settlement water supply requirements**

- 51 (1) Every person who develops or redevelops a township must design and develop that township with a sufficient water supply for purposes of fire-fighting by members of the Service.
- (2) Every person who develops or redevelops a township must ensure that -
- the storage capacity and rate of replenishment of the reservoirs supplying water to the township are sufficient for the fire-fighting purposes contemplated in these Bylaws ;
  - the water supply from these reservoirs is reticulated in a manner that ensures that the water supply to any area in the township can be provided from at least two directions; and
  - double supply mains are installed from the water supply source to the distribution reservoirs and double pumps are installed for the delivery of the water supply.
- (3) Subsection (2)(c) is deemed to be satisfied, if -
- the water is supplied to the township from more than one reservoir;
  - each reservoir receives water from a separate supply main and pump; and
  - reservoirs are connected to each other.
- (4) Every person who develops or redevelops a township must ensure that -
- the water distribution system is designed and equipped with control valves positioned so that it is not necessary to close off any branch or any portion of the distribution system for more than 150 metres in any high risk area or for more than 300 metres in any moderate or low risk area in the event that the system, excluding any of the branches, is damaged or requires repair; and
  - if the redevelopment of any township alters the fire risk category of any area in the township as contemplated in section 53, the water reticulation system is adapted without delay so as to comply with the requirements of sections 51 and 52.
- (5) Every municipality within which an informal settlement is established shall be obliged to provide a sufficient and adequate water supply for the purpose of fire fighting by member of the service.

##### **Township development fire-extinguishing stream requirements**

- 52 Every person who develops or redevelops a township must ensure that the water supply provides a fire-extinguishing stream that is immediately available to members of the Service in an emergency, of the following volume and duration:

Fire risk category	Minimum volume of extinguishing stream (litres per minute)	Minimum duration of extinguishing stream (hours)
High risk	11 500	6
Moderate risk	5 750	4
Low risk	2 300	2

##### **Township development fire hydrant requirements**

- 53 (1) Every person who develops or redevelops a township must ensure that fire hydrants are plotted on a plan and installed in accordance with the following minimum delivery volumes and distance frequencies:

Fire risk category	Minimum fire hydrant delivery volume measured at peak consumption (litres	Minimum distance between fire hydrants (metres)
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	per minute)	
High risk	1980	120
Moderate risk	1 150	180
Low risk	900	240

- (2) Every person who develops or redevelops a township must ensure that the position of fire hydrants are plotted accurately on a plan that is furnished to the Chief Fire Officer for operational fire-fighting purposes.

#### Fire risk categories

- 54 (1) For purposes of sections 51 and 52, the following areas of a township must be regarded –
- (a) as high risk –
    - (i) any factory area, high density shopping area, warehouse or commercial building;
    - (ii) any plantation, timber yard or wooden building;
    - (iii) any building higher than 3 storeys;
    - (iv) any building in which hazardous substances are used, handled or stored or in which hazardous processes are conducted; and
    - (v) any other area that has a high fire risk or high fire spread risk;
  - (b) as moderate risk -
    - (i) any area in which –
      - (aa) factories, commercial buildings or residential buildings generally detached from each other and do not exceed 3 storeys; a and
      - (bb) the Chief Fire Officer has not declared the materials processed or stored in these buildings as highly dangerous;
    - (ii) any area where the fire risk and spread risk of fire is moderate; and
    - (iii) any other area that is not a high or low risk area; and
  - (c) as low risk -
    - (i) any area that is mainly residential or semi-rural;
    - (ii) any area that has predominantly detached, duet, cluster or town house developments; and
    - (iii) any area where the fire risk or risk of spread of fire is slight or insignificant.

#### Connections to water reticulation system

- 55 (1) No person may obtain a water connection to the water reticulation system of the Council unless the fire protection plans for the premises to be connected have been approved by the Chief Fire Officer.
- (2) Every person or owner of premises who requires a water connection to the water reticulation system of the Council must –
- (a) if the premises to be connected are protected by a sprinkler installation, ensure that –
    - (i) the connection is calculated and designed for each sprinkler installation in accordance with a rational design as contemplated in the National Building Regulations and Building Standards Act, and
    - (ii) the size, delivery pressure and flow of the water connection is calculated in advance by the responsible engineer;
  - (b) if the Chief Fire Officer requires a larger water connection for purposes of fire-fighting, provide the larger water connection;
  - (c) ensure that the size, work pressure and delivery flow, except in the case of a water connection to a sprinkler installation, is calculated and designed in accordance with SANS 0400 (Part W); and



- (d) ensure that the water installation upon completion complies with the provisions of SANS-1:1994

### CHAPTER 3

#### CONTROL OF FIREWORKS

##### Use of fireworks prohibited in certain circumstances

- 56 (1) Unless so authorised in terms of section 55, no person may use fireworks
- (a) within 500 metres of any explosives factory, explosives storage place, petrol depot or petrol station;
  - (b) inside any building;
  - (c) on any agricultural holding;
  - (d) at any public place; or
  - (e) at any school, old age home or hospital.
- (2) No person may light or ignite fireworks in any place where animals are present.
- (3) Unless so authorised in terms of section 55, no person may light or ignite fireworks on any day or at any time except -
- (a) New Years Eve from 23h00 to 01h00;
  - (b) New Years Day from 19h00 to 22h00;
  - (c) Hindu New Year from 19h00 to 22h00;
  - (d) Lag b'omer (Jewish holiday) from 19h00 to 22h00;
  - (e) Chinese New Year from 19h00 to 22h00;
  - (f) Human Rights Day from 19h00 to 22h00;
  - (g) Freedom Day from 19h00 to 22h00;
  - (h) Guy Fawkes Day from 19h00 to 22h00;
  - (i) Diwali from 19h00 to 22h00;
  - (j) Christmas Eve from 19h00 to 22h00; and
  - (k) Day of Goodwill from 19h00 to 22h00.
- (4) No person may allow any minor whether under his or her control to use, light or ignite fireworks in contravention of subsection (1), (2) or (3).

##### Fireworks displays prohibited unless authorised

- 57 No person may present a fireworks display unless -
- (a) authorised to do so by the Council as contemplated in section 58;
  - (b) authorised to do so by the Civil Aviation Authority and the Chief Inspector of Explosives;
  - (c) Under the supervision of a Special Effects Pyro technician, Pyro technician or a Theatrical use.
  - (d) the display is at all times under that person's supervision and control; the Service and a suitably qualified explosives expert from the South African Police Services are at all times in attendance at the display;
  - (e) that person has ensured that -
    - (i) an area with a radius of at least 50 metres is clearly demarcated for the launching of fireworks at the display; and



- (ii) measures are in place to prevent any person who is not involved in the presentation of the display from entering this launching area; and
- (iii) he is in possession of a fireworks display permit or pyro technicians display permit, whichever is applicable.
- (f) a pyrotechnics' is at all times present and responsible for the use of fireworks at the display.

#### Application to present fireworks display

- 58 (1) Any person who wishes to present a fireworks display must apply to the Chief Fire Officer for authorisation by completing and submitting an application in the form and manner determined by the Council together with the prescribed fee and the following documentation:
- (a) Proof of permission for the fireworks display from the Civil Aviation Authority;
  - (b) proof that an application for the fireworks display has been submitted to the Chief Inspector of Explosives;
  - (c) a letter of consent from the owner or person responsible for the property on which the fireworks display is proposed to be presented; and
  - (d) a sketch plan of the proposed venue for the fireworks display, including the demarcated area for the launching of the fireworks.
- (2) The application, prescribed fee and accompanying documentation must be submitted to the Chief Fire Officer at least 14 days before the date of the proposed fireworks display.

#### Authority to present fireworks display

- 59 (1) If the Council decides to approve an application to present a fireworks display, it must provide the applicant with written confirmation of its decision and any conditions that it may impose to safeguard persons and property.
- (2) The Council may require that the fireworks display be presented only on suitable premises designated by the Council and under the supervision and control of an official designated by the Council.

#### Dealing or sale in fireworks

- 60 (1) No person may deal in or sell fireworks unless -
- (a) that person holds the required fireworks licence in terms of the Explosives Act; and
  - (b) has the written authority of the Chief Fire Officer.
  - (c) that person is in possession of a permit to deal in or sell fireworks
- (2) Persons dealing in fireworks shall not display such fireworks unless:
- (a) the fireworks are displayed in a display case, package or other suitable receptacle that is not accessible to the public
  - (b) the display case, package or other suitable receptacle in which the fireworks are displayed is not in close proximity to flammable material and not in a location where the fireworks will be exposed to the rays of the sun or excess heat
  - (c) the fireworks are displayed in lots not exceeding 25 kilograms each gross weight
  - (d) the fireworks are dispensed from the display case, package or other suitable receptacle only by the seller or the sellers employees
- (3) Any person who wishes to obtain the written authority of the Chief Fire Officer to deal in fireworks as contemplated in subsection (1)(b), must -
- (a) complete an application in the form and manner determined by the Council; and
  - (b) submit it to the Chief Fire Officer together with the prescribed fee at least 30 days before the authority is required by the applicant.
- (4) The Chief Fire Officer may cancel any written authority to deal in fireworks if the holder of the authority contravenes or fails to comply with any provision of these Bylaws or any other applicable law.



## CHAPTER 4

### EXPLOSIVES

#### Manufacturing of explosives

- 61 (a) Subject to subsection 60(d) no person may manufacture, either wholly or in part, any authorised explosives in or any premises other than explosives manufacturing site.
- (b) (i) No person may manufacture any unauthorised explosive unless they are manufactured for the purpose of research or development and in such quantities and under such conditions as the chief inspector permits in writing.
- (ii) No authorised explosive manufactured in terms of paragraph (b)(i) may be sold.
- (c) Unless it is done on a licensed explosive manufacturing site, no person may-
- (i) divide any explosives into their components, otherwise break down any explosives or remove any identification mark from any explosives
- (ii) make any unserviceable explosives fit for use; or
- (iii) remake or rework any explosives
- (d) The chief inspector in terms of the Explosive Act may grant written permission, subject to applicable regulations and any conditions imposed by him or her in writing, to any person applying therefor in writing, to manufacture explosives-
- (i) on any premises where explosives are manufactured for testing
- (ii) on any premises where such explosives as may be prescribed are prepared for immediate use;
- (iii) at any tertiary educational institution for the purposes of training or instruction; or
- (iv) in any laboratory or testing facility registered with the chief inspector

#### Prohibition on use of explosives without permit

- 62 (a) No person may use any explosives unless he or she is:
- (i) in possession of a permit authorising such use, issued by an inspector in the prescribed manner; or
- (ii) under the immediate and constant supervision of a person who is in possession of such a permit.
- (b) (i) The Minister may by regulation or by notice in the Gazette exempt any person or any group of persons from obtaining a permit contemplated in subsection 60 (1) if the exemption relates to the use of fireworks in celebration of a specific religious, cultural or traditional event.
- (ii) The Minister may limit the fireworks which may be used to any specific class and must specify the period for which the exemption is valid.
- (c) No permit may be issued under this section unless the applicant is a suitable person.

#### Possession of limitation of explosives

- 63 Any person who gives out or pretends that an imitation of an explosive is in fact an explosive is guilty of an offence.

#### Importation and exportation of explosives

- 64 No person may import explosives into or export authorised explosives from the Republic or cause any explosives to be imported into or authorised explosives to be exported from the Republic, unless-
- (a) he or she is in possession of a permit issued by or under the authority of the chief inspector; and
- (b) in the case of exportation, he or she is in possession of such an end-user certificate as may be prescribed.



## CHAPTER 5

### CERTIFICATE OF REGISTRATION FOR USE, HANDLING AND STORAGE OF FLAMMABLE SUBSTANCES

#### Use, handling and storage of flammable substances prohibited in certain circumstances

- 65 (1) Subject to the provisions of subsection (3), no person may use, handle or store any flammable substance or allow such substance to be used, handled or stored on any premises unless that person is the holder of a certificate of registration issued by the Chief Fire Officer in respect of the flammable substance and the premises concerned.
- (2) A certificate of registration contemplated in subsection (1) is not required if the flammable substance concerned is of any class and does not exceed the quantity stipulated in Schedule 2.
- (3) No person may use, handle or store any flammable substance in respect of which no certificate of registration is required or allow such substance to be used, handled or stored on any premises, unless the flammable substance -
- (a) is used, handled or stored in a manner that ensures that -
    - (i) no flammable substance nor any flammable substance fumes come into contact with any source of ignition that may cause the flammable substance or fumes to ignite;
    - (ii) in the event of a fire or other emergency, the escape of any person or animal is not hindered or obstructed in any way; or
  - (b) is used, handled or stored -
    - (i) in a naturally ventilated room that prevents the accumulation of fumes or gas;
    - (ii) in a suitable place outdoors that ensures the safe disposal of fumes or gas; or
  - (c) the flammable substance is stored in strong, gas-tight and labelled containers.

#### Application for certificate of registration for flammable substances

- 66 (1) The owner or person in charge of the premises, who requires a flammable substance certificate must submit an application to the Council.
- (2) The Council must refuse to issue the flammable substance certificate if the premises do not comply with the requirements of the National Building Regulations (T1) as well as additional requirements set out in this by-law, and where the Council is of the opinion that the non-compliance of the premises can be remedied, the Council must instruct the owner or person in charge of the premises in writing to take all reasonable steps to render the premises safe prior to usage of the premises and the issuing of the certificate.
- (3) A flammable substance certificate must be renewed annually, on or before the date as indicated on the flammable substance certificate, and whenever the quantity or class of the flammable substance requires to be changed.
- (4) Premises must be used in accordance with any conditions specified in the flammable substances certificate and when in the opinion of the Council, a flammable substance is stored or utilised for any process in a manner which is hazardous to life or property, or an installation is unauthorised, an order may be issued for the removal of the flammable substance or installation from the premises.
- (5) A supplier may not supply flammable substances to the owner or person in charge of the premises, unless the owner or person in charge of the premises is in possession of a valid flammable substance certificate issued by the Council.
- (6) A flammable substance certificate is valid only:
  - (a) for the installation for which it was issued;
  - (b) for the state of the premises at the time of issue, and
  - (c) for the quantities stated on the certificate.
- (7) The flammable substance certificate must be available on the premises for inspection at all times.

#### Issue of certificate of registration

- 67 (1) If the Chief Fire Officer issues a certificate of registration to any person, that Officer must endorse on



the certificate -

- (a) the class and quantity of the flammable substance for which the premises have been registered;
- (b) the number of storage tanks or storage facilities on the premises and their capacities;
- (c) the number of flammable substance storerooms on the premises and their capacities;
- (d) the number of liquified petroleum gas installations, types of installations and the combined capacity of all cylinders that may be stored on the premises;
- (e) the number of storage facilities for any other flammable substance and the volume of each such facility;
- (f) the period of validity and expiry date of the certificate; and
- (g) the physical address of the premises and the name and postal address of the occupant.

(2) A certificate of registration -

- (a) is not transferable between premises;
- (b) may not be issued by the Chief Fire Officer for a period exceeding 12 months;
- (c) may be transferred to the new owner of the premises in respect of which it was issued, only if an application for such transfer is approved by the Chief Fire Officer in writing.

(3) A certificate of registration is valid only for -

- (a) the installation for which it was issued;
- (b) the state of the premises at the time of issue; and
- (c) for the quantities of flammable substance stated on the certificate.

#### **Availability of certificate of registration at premises**

68 The holder of a certificate of registration must ensure that the certificate is available on the premises concerned at all times for inspection by any member of the Service.

#### **Amendment to certificate of registration**

69 The Chief Fire Officer may amend any certificate of registration on application by the holder.

#### **Cancellation of certificate of registration**

70 The provisions of section 49, read with the necessary changes, apply to any cancellation by the Chief Fire Officer of a certificate of registration.

#### **Renewal of certificate of registration**

71 Any application for the renewal of a certificate of registration must be submitted to the Chief Fire Officer at least 30 days prior to the expiry date of the certificate.

#### **No authorisation required for certain motor vehicle fuel tanks**

72 No certificate of registration contemplated in section 34 or any other authorisation contemplated in these Bylaws is required in respect of flammable liquids in a fuel tank -

- a. of any motor vehicle; and
- b. of any stationery engine if the volume of the fuel tank does not exceed 1 000 litres.

#### **Record of certificates of registration**

73 The Chief Fire Officer must keep updated records of all premises in respect of which a certificate of registration has been issued, amended or renewed,



## CHAPTER 6

### GENERAL PROVISIONS REGARDING THE USE, HANDLING AND STORAGE OF FLAMMABLE SUBSTANCES

#### General prohibitions regarding use, handling and storage of flammable substances

- 74 (1) No person who uses, handles or stores a flammable substance or allows them to be used, handled or stored on any premises may –
- (a) do anything or allow anything to be done that may result in or cause a fire or explosion;
  - (b) do anything or allow anything to be done that may obstruct the escape to safety of any person or animal during an emergency
- (2) No person may –
- (a) dump or spill or allow the dumping or spilling of any flammable substance into any borehole, sewer, drain system or surface water;
  - (b) discard or allow the discarding of any flammable substance from any premises in any way other than by a competent person who is properly equipped and authorised to do in terms of these Bylaws ;
  - (c) make or bring any fire or device capable of producing an open flame or allow any other person to do so, within 5 metres of any place where a flammable substance is stored;
  - (d) use or allow to be used any device in connection with a flammable substance in any basement level of a building, other than a gas welding or cutting device, used for the sole purpose of maintenance of the building;
  - (e) while any person, except the driver or any other person responsible for a bus contemplated in the National Road Traffic Act, is in or on the bus–
    - (i) fill or allow the filling of its fuel tank; or
    - (ii) transport or allow the transport of any flammable substance on the bus, except in its fuel tank; and
  - (f) deliver or supply or allow to be delivered or supplied, any flammable substance to any premises unless the owner or person in charge of the premises is in possession of a valid certificate of registration.

#### Use, handling and storage of liquefied petroleum gas

- 75 (1) No person may use, handle or store liquefied petroleum gas in any quantity exceeding that stipulated in Schedule 2 unless –
- (a) the person is in possession of a certificate of registration contemplated in section 35; and
  - (b) the use, handling and storage of the liquefied petroleum gas complies with the requirements of SANS 087, Parts 1, 3, 7 and 10.
- (2) Liquid petroleum gas may only be used, handled or stored within property boundaries and in compliance with safety distances stipulated in SANS 087, Parts 1, 3, 7 and 10.
- (3) Any storage of liquid petroleum gas cylinders at any service station for retail purposes must comply with SANS 087, Part 7.
- (4) No liquid petroleum gas cylinder may be used, handled or stored at any public exhibition or demonstration without the prior written permission of the Chief Fire Officer.
- (5) An application for permission contemplated in subsection (4) must be made in writing at least 14 days before the event concerned .
- (6) The Chief Fire Officer may impose any reasonable condition on the use, handling and storage of liquid petroleum gas cylinders at a public exhibition or demonstration, including but not limited to, the number of cylinders, the manner of storage, safety distances and other safety requirements.
- (7) Any person using, handling or storing any liquid petroleum gas cylinder at any public exhibition or demonstration must comply with any condition imposed in terms of subsection (6).

#### Display of symbolic warning signs required





- 76 (1) The owner of any premises where any flammable or explosive substance is used, handled or stored must, in the affected area of the premises, display symbolic signs –
- (a) prohibiting smoking and open flames;
  - (b) of a size and number determined by the Chief Fire Officer; and
  - (c) prominently in places where the signs can be clearly observed.
- (2) No person may disregard or allow to be disregarded any prohibition on a symbolic sign displayed in terms of subsection (1).

#### **Duty to report fires, accidents and dumping**

- 77 If any fire, accident or dumping involving a flammable substance has caused damage to any person, animal, property or the environment on any premises, the owner or occupier of the premises must immediately report it to the Chief Fire Officer.

### **CHAPTER 7**

#### **STORAGE OF FLAMMABLE SUBSTANCES**

##### **Storage of flammable substances prohibited in certain circumstances**

- 78 (1) Prior to the construction of a new installation or the alteration of an existing installation, whether temporary or permanent, for the storage of a flammable substance, the owner or person in charge of the installation must submit a building plan to the Council, in accordance with the National Building Regulations, and a copy of the approved plan must be available at the site where the installation is being constructed.
- (2) Prior to the commissioning of an above ground or underground storage tank installation, liquid petroleum gas installation or associated pipework, the owner or person in charge of the installation must ensure that it is pressure-tested in accordance with the provisions of the National Building Regulations (T1), SANS 0131: Parts 1 and 2, SANS 089: Part 3 and SANS 087: Parts 1,3 and 7 (whichever is applicable) in the presence of the Council.
- (3) Notwithstanding subsection (2), the Council may require an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipework, to be pressure-tested in accordance with the provisions of the National Building Regulations (T1).
- (4) The Council must be notified at least 48 hours prior to the pressure test.
- (5) The owner or person in charge of the premises may not store or use:
- (a) a flammable gas in excess of 19 kilogram, or
  - (b) a flammable liquid of a danger group (i), (ii), (iii) or (iv) in excess of 200 litres, unless he or she has obtained a flammable substance certificate from the Council.
- (6) No person may store or allow the storage of any flammable substance in any storeroom unless –
- (a) that person has a certificate of registration contemplated in section 64; and
  - (b) the storeroom complies with the requirements of these Bylaws and any other applicable law.

##### **Symbolic safety signs must be displayed**

- 79 The holder of a certificate of registration for a storeroom to be used for any flammable substance must ensure that-
- (a) symbolic safety signs prohibiting open flames and smoking are displayed in the storeroom –
    - i. of a number determined by the Chief Fire Officer;
    - ii. of dimensions at least 290 millimetres by 200 millimetres; and
    - iii. manufactured in accordance with SANS 1186;
  - (b) the groups of flammable substances and their corresponding quantities which may be stored in the storeroom are indicated on the outside of every door to the storeroom in red letters at least 75 millimetres high, against a white background.

##### **Construction of flammable substance storerooms**



80 Every storeroom must be designed and constructed according to the following criteria:

- (a) The storeroom floor must consist of concrete;
- (b) the storeroom walls must consist of material that has a fire resistance of at least 120 minutes;
- (c) the storeroom roof must consist of –
  - i. reinforced concrete with a fire resistance of at least 120 minutes; or
  - ii. any other non-combustible material, if the storeroom –
    - (aa) boundary of the premises; or
    - (bb) adjoins a higher wall with no opening within 10 metres is not situated within 5 metres of any adjacent building or above and 5 metres on either side of the storeroom.

#### Requirements for storeroom doors

- 81 (1) Every storeroom must be equipped with a fire rated fire door that –
- (a) is manufactured and installed in accordance with SANS 1253;
  - (b) opens to the outside;
  - (c) is equipped with a lock or locks approved by the Chief Fire Officer; and
  - (d) is at all times capable of being opened from the inside of the storeroom without the use of a key.
- (2) A storeroom must be equipped with two or more fire doors if the distance to be covered from any part in that storeroom to a door is 4 metres or more, in which case, the fire doors must be installed as far from each other as is practicable in the circumstances.
- (3) Fire doors contemplated in subsections (1) and (2) must if installed on –
- (a) external walls, be “B” class fire doors; and
  - (b) internal walls in communication within a building, be “D” class fire doors.

#### Requirements for storeroom windows

- 82 (1) Every storeroom window frame must –
- (a) consist of steel;
  - (b) have window panels of dimensions not exceeding 450 millimetres x 450 millimetres; and
  - (c) be fitted with wire glass of a thickness not less than 8 millimetres.
- (2) No storeroom window must be capable of being opened.
- (3) Every storeroom window must be fitted to the external wall of a building.

#### Requirements for storeroom catch pits

- 83 (1) Every storeroom must be designed and constructed so that its floor is recessed below the level of the door sill to form a catch pit –
- a. with a holding capacity at least equal to the total volume of hazardous substances capable of being stored in the storeroom, plus 10 percent; and
  - b. if required by the Chief Fire Officer –
    - i. covered at door sill level by a strong, stable, non-combustible and oxidation free floor grill; and
    - ii. equipped, at its lowest level, with a non-corrosive drainage valve for cleaning purposes and product recovery.
- (2) The floor grill contemplated in subsection (i) must contain a suitably positioned access hatch for cleaning purposes.

#### Ventilation of storerooms

- 84 (1) Every storeroom must be designed and constructed to ensure –



- (a) the effective ventilation of flammable substance fumes;
  - (b) that fumes released from the storeroom into the open air will not come into contact with any source of ignition.
- (2) If the storeroom is designed and constructed for natural ventilation, the owner or person in charge of the storeroom must ventilate the storeroom at a minimum cycle of 30 air changes per hour by installing non-combustible airbricks –
- (a) that are not less than 140 millimetres by 250 millimetres in extent, with non-corrosive gauze wire with a minimum opening diameter of 0.5 millimetres;
  - (b) that are provided in at least 3 external walls of the storeroom; and
  - (c) that are positioned 100 millimetres above the level of the sill and 100 millimetres below the level of the roof and not more than 450 millimetres apart.
- (3) If the storeroom is designed and constructed for mechanical ventilation, the owner or person in charge of the storeroom must equip it with a mechanical ventilation system –
- (a) designed and installed for this purpose;
  - (b) with a flow rate of 0,5 meters / second across the store;
  - (c) with vanes that consist of a static-free material;
  - (d) that discharges through a vertical metal duct into the open air –
    - (i) not situated within 5 metres of any opening of a building or erf boundary; and
    - (ii) terminating at least 1 metre above roof height or at least 3.6 meters above ground level, whichever is the greater;
  - (e) equipped with ventilators that are firmly attached to the inside of the walls of the storeroom and, in the case of bottom ventilators, as close as possible to the level of the sill;
  - (f) with all ventilation or air duct openings in the external wall opposite the mechanical ventilator installed 100 millimetres above the level of the sill to ensure effective cross-ventilation; and
  - (g) equipped with ducting material that –
    - (i) is as short as possible in the circumstances and does not have sharp bends; and
    - (ii) is fitted with a fire damper of at least 120 minutes fire resistance at any point where the ducting exits the storeroom, if ducting material is installed external to the storeroom in communication with the remainder of the building.

#### Electrical equipment in storerooms

- 85 (1) The owner or person in charge of any storeroom must ensure that –
- (a) all electrical apparatus, fittings or switch gear used or installed in the storeroom are used or installed as contemplated in SANS 0108;
  - (b) no switch gear, distribution box, fuse or other electrical equipment, except electrical equipment as contemplated in SANS 0108, is situated–
    - (i) inside the storeroom; or
    - (ii) in any position where it may come into contact with any flammable substance fumes leaving the storeroom;
  - (c) any metal part, electrical fittings and device used in or in connection with the storeroom are earthed effectively to each other and to the ground;
  - (d) any mechanical ventilation system switch is situated outside the storeroom;
  - (e) any mechanical ventilation system is on at all times, except when the system is being repaired or replaced, in which case the system must be repaired or replaced without delay; and
  - (f) all electrical apparatus and fittings, except the mechanical ventilation system, are switched off when the storeroom is unattended.
- (2) Any electrical installation in a storeroom may be installed and certified only by an electrician who is qualified and competent by virtue of his or her training and experience.



- (3) The owner or person in charge of a storeroom must submit the certificate contemplated in subsection (2) to the Chief Fire Officer for record purposes immediately after installation contemplated in that subsection.

#### **Foam inlets required for certain storerooms**

86 The owner or person in charge of a storeroom that is used or intended to be used for storing more than 5000 litres of flammable substance must ensure -

- (a) that the storeroom is provided with a foam inlet consisting of a 65 mm male instantaneous coupling and mild steel pipe work leading to the inside thereof; and
- (b) that the foam inlet is identified by a sign in block letters at least 100 millimetres high, displaying the words "foam inlet".

#### **Shelving in storerooms**

87 The owner or person in charge of a storeroom must ensure that any racking of shelving erected or installed in the storeroom is of non-combustible material.

#### **Unauthorised use and entry of storerooms prohibited**

88 No person may -

- (a) without the authority of the owner or person in charge, enter or allow any other person to enter any storeroom;
- (b) use any storeroom or allow it to be used for any purpose other than for the use, handling or storage of flammable substances;
- (c) allow any person to work in a storeroom unless all the doors of the storeroom are wide open or the mechanical ventilation system is switched on; or
- (d) place or allow to be placed any obstruction or hindrance in a passage of any storeroom or in front of any storeroom door.

#### **Mixing and decanting rooms**

89 The owner or person in charge of any premises where quantities of flammable liquids exceeding those stipulated in Schedule 3 are decanted or mixed, must ensure that any room where decanting or mixing takes place complies with all requirements of this Chapter applicable to storerooms.

#### **Temporary above ground storage of flammable substances**

- 90 (1) Any person who wishes to store any flammable substance on premises on a temporary basis, must apply to the Chief Fire Officer for a temporary certificate of registration.
- (2) A temporary certificate of registration may be issued by the Chief Fire Officer
- (a) written application together with a plan must be forwarded to the fire chief at least 14 days prior to the erection of the tank and prior written permission must be obtained from the Council for the erection of the tank.
  - (b) for a period not exceeding 12 months;
  - (c) if the flammable substance concerned is required -
    - (i) in respect of excavation work, construction work or road construction if the volume of the flammable substance does not exceed 9 000 litres with a flash point below 40 degrees centegrade;
    - (ii) in respect of small fleet maintenance or research purposes, if the volume of the flammable substance does not exceed 4 400 litres; and
    - (iii) the application complies with the requirements of SANS 0131 and this Chapter.
- (3) Every holder of a temporary certificate of registration contemplated in subsection (1) must ensure that -
- (a) a storage tank for the flammable substance is not erected within 3.5 metres of any erf boundary, building, excavation, road, driveway or any other flammable substances or combustible material;
  - (b) adequate provision is made for rainwater run-off from retaining walls or embankments;
  - (c) no source of ignition or potential source of ignition exists within 5 metres of a storage tank;



- (d) a symbolic sign of dimensions at least 300 millimetres by 300 millimetres prohibiting smoking and open flames is displayed on every side of a temporary storage tank; and
- (e) at least two 9 kilogram dry chemical fire extinguishers are installed and kept in good working condition, within 10 metres of a temporary storage tank.

#### Hand tools must be intrinsically safe

91 The owner or person in charge of any flammable substance storeroom must ensure that any hand tool used in the storeroom is intrinsically safe.

#### Permanent or temporary above ground storage tanks for flammable liquids

- 92 (1) A temporary above ground storage tank other than that at a bulk storage depot is permitted, at the discretion of the Council, on the merit of the situation, provided that the following requirements are complied with:
- (a) if it has a capacity not exceeding 9 000 litres and is not used for the storage of flammable substances with a flash point below 40 degrees centigrade;
  - (b) to be on the premises for a period not exceeding six months;
  - (c) the entire installation must comply with SABS 0131: Part 1 or SABS 0131: Part 2 whichever is applicable, and
  - (d) written application together with a plan must be forwarded to the fire chief at least 14 days prior to the erection of the tank and prior written permission must be obtained from the Council for the erection of the tank.
- (2) In addition to any other requirement of this Chapter, the owner or person in charge of an above ground storage tank for flammable liquids must ensure –
- If a larger capacity above ground storage tank is required or the tank is to be a permanent installation
- (a) an acceptable rational design based on a relevant national or international code or standard must be submitted to the Council for approval in terms of the National Building Regulations (T1).
  - (b) the design requirements and construction of a permanent tank must be in accordance with relevant national or international recognised codes
  - (c) the rated capacity of a permanent or temporary tank must provide sufficient ullage to permit expansion of the product contained therein by reason of the rise in temperature during storage
  - (d) that the tank is erected or installed –
    - (i) in accordance with SANS 0131 and SANS 089, Part I;
    - (ii) at least 3.5 metres from any erf boundary, building, excavation, road, driveway or any other flammable substance, combustible substance or combustible material;
  - (e) a permanent or temporary tank must be located on firm level ground and the ground must be of adequate strength to support the mass of the tank and contents
  - (f) a permanent or temporary tank must have a bund wall
  - (g) Adequate precautions must be taken to prevent spillage during the filling of a tank
  - (h) Sufficient fire extinguishers, as determined by the Council, must be provided in weatherproof boxes in close proximity to a tank
  - (i) Symbolic safety signs depicting "No Smoking", "No Naked Lights" and "Danger" must be provided adjacent to a tank, and the signs must comply with SANS 1186: Part 1
  - (j) that the flammable liquid stored in the tank must be clearly identified by means of Hazchem placards contemplated in SANS 0232, Part 1.
  - (k) An electrical or an internal combustion-driven pump must be equipped and so positioned as to eliminate the danger of the flammable liquid being ignited
  - (l) The electrical installation associated with the above ground storage tank must comply with SANS 0108 and SANS 089: Part



- (3) Any electrical installation associated with the storage tank must comply with SANS 0108 and SANS 089, Part 2.

#### **Underground storage tanks for flammable liquids**

- 93 The owner or person in charge of any premises used or intended to be used for the underground storage of any flammable liquid must ensure that any underground storage tank, pump, dispenser and pipe work is erected or installed in accordance with National Building Regulations (T1) read in conjunction with SANS 0400, SANS 089, Part 3 and SANS 0131.

#### **Bulk storage depot for flammable substances**

- 94 The handling, storage and distribution of flammable substances at bulk depots must be in accordance with the National Building Regulations (T1), read in conjunction with SANS 089: Part 1.

#### **Small installations for liquefied petroleum gas**

- 95 Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500 litres and a combined water capacity not exceeding 3 000 litres per installation must be installed and handled in accordance with SANS 087: Part 1.

#### **Liquid petroleum gas installation in mobile units and small non-permanent buildings**

- 96 A liquid petroleum gas installation in mobile units and small non-permanent buildings shall be in accordance with SANS 087: Part 2.

#### **The fuelling of forklift trucks and other LP gas operated vehicles**

- 97 The fuelling of forklift trucks and other LP gas operated vehicles shall be in accordance with SANS 087: Part 8.

#### **The storage and filling of refillable liquid petroleum gas containers**

- 98 Storage and filling sites used for refillable liquid petroleum gas containers of capacity not exceeding 9kg must be in accordance with SANS 087: Part 7.

#### **Bulk storage vessel for liquid petroleum gas**

- 99 The layout, design and operation of installations for the storage of a bulk liquid petroleum vessel and allied facilities must be in accordance with the National Building Regulations (T1), read in conjunction with SANS 087: Part 3.

#### **Installing, erecting, removing and demolishing prohibited without prior notice**

- 100 (1) No person may, in respect of registered premises, erect, install, remove, demolish, extend or change any delivery pump, storage tank, storeroom, spraying room, gas installation, storage facility, fire protection arrangement or floor layout unless that person has given the Chief Fire Officer at least three working days prior written notice of the intention to do so, in the form and manner determined by the Council.
- (2) The notice in term of subsection (1) must include the intended commencement date and estimated completion date of the proposed work.
- (3) The provisions of subsection (1) do not apply to –
- (a) the temporary removal of equipment for purposes of carrying out necessary repairs;
  - (b) the necessary replacement of equipment or their parts; and
  - (c) the replacement of any storage tank with a tank of the same capacity.

#### **Repair and maintenance of access to storage tanks**

- 101 No person may enter or allow any other person to enter any storage tank that has at any time contained a flammable substance –
- (a) until such tank has been de-aerated and made free of gas and fumes as contemplated in SANS 089 (Part I); or
  - (b) unless that person –
    - (i) is wearing an effective self-supporting breathing apparatus; and
    - (ii) is attached to a rescue rope under the control of a competent and responsible person.



#### Termination of storage and use of flammable substances

- 102 (1) If an aboveground or underground tank installation, liquid petroleum gas installation or associated pipe work is no longer required for the storage or use of a flammable substance, the owner or person in charge of the premises on which the installation is located, must -
- (a) notify the Chief Fire Officer in writing within seven days of such storage or use ceasing;
  - (b) ensure that the flammable substance is removed from the installation and the premises are rendered safe within 30 days of the cessation;
  - (c) unless the Chief Fire Officer directs otherwise, remove the installation including any associated pipe work from the premises within 180 days of the cessation; and
  - (d) to the satisfaction of the Council, restore any public foot path or roadway that has been disturbed by the removal of the installation within a period of 7 days of completing such removal.
- (2) Notwithstanding the provisions of subsection (1) if the removal of any underground tank installation for the storage of a flammable substance will detrimentally affect the stability of the premises concerned, the owner or person in charge of the installation may, with the prior written permission of the Chief Fire Officer, fill the underground tank with liquid cement slurry.

#### Reporting accidents

- 103 If an accident occurs which involves a flammable substance and results in a fire, an explosion, spillage or loss of a flammable substance, as well as personal injury or death, the owner or person in charge of the premises must immediately notify the Council.

#### Flammable stores

- 104 (1) The construction of a flammable store must be in accordance with the National Building Regulations (T1) read in conjunction with SANS 0400.
- (2) The floor must be of concrete construction or other impermeable material and must be recessed below the door level or incorporate a sill.
- (3) The recess or sill must be of such a depth or height that in the case of spillage it will be capable of containing the quantity of flammable liquid, as indicated on the flammable substance certificate and an additional 10% of the quantity mentioned on the certificate.
- (4) Notwithstanding the National Building Regulations (T1) read in conjunction with SANS 0400:
- (a) the roof assembly of a flammable store must be constructed of a concrete slab capable of providing a two-hour fire resistance when it forms part of another building;
  - (b) the ventilation of a flammable store must be achieved by the use of bricks located in the external walls at the ratio of one air brick nominally above the sill level and one air brick located in the top third of the wall per 5 m<sup>2</sup> of wall area or part thereof, so that vapour cannot accumulate inside the store;
  - (c) the air bricks must be covered both internally and externally with closely-woven, non-corrodible wire gauze of at least 1 100 meshes per metre, and
  - (d) the wire gauze must be held in position by metal straps, a metal frame or cement.
- (5) When required by the Council, the flammable store must be ventilated by a mechanical ventilation system approved by the Council and must comply with the following requirements:
- (a) the ventilation system is to be intrinsically safe, provide 30 air changes per hour and must operate continuously;
  - (b) the fan extraction point must be nominally above sill level and must discharge through a vertical metal duct terminating at least 1 metre above roof height or at least 3,6 metres above ground level, whichever is the greater;
  - (c) ducting material that is external to the store, but communicates with the remainder of the building, must be fitted with a fire damper of two-hour fire resistance at the point of exit from a flammable store, and
  - (d) the ducting must be as short as possible and must not have sharp bends.



- (6) Notwithstanding the National Building Regulations (T1) read in conjunction with SANS 0400, a flammable store door must be constructed of material with a fire resistance of two hours, provided that all relevant safety distances are complied with, and the door must open outwards.
- (7) When required by the Council, a flammable store door must be a D-class fire door, which complies with SANS 1253.
- (8) Notwithstanding the National Building Regulations (T1) read in conjunction with SANS 0400, artificial lighting in the flammable store must be by electric light having vapour-proof fittings wired through seamless steel conduit and the switches operating the lights must be located outside the store.
- (9) No other electrical apparatus may be installed in the flammable store.
- (10) A flammable store must be provided with a foam inlet consisting of a 65 millimetre male instantaneous coupling and mild steel pipework leading to the inside thereof and the foam inlet must be identified by means of a sign displaying the words "Foam Inlet" in 100 millimetre block letters.
- (11) Racking or shelving erected in the flammable store must be of non-combustible material.
- (12) The flammable store must be identified by the words, "Flammable Store-Bewaarplek vir Vlambare Vloeistowwe-Isitoro Indawo Yokugcina Izixhobo Ezithatha Lula Umlilo", and the permissible quantity allowed within the flammable store, indicated in 100 millimetre block letters on both the inside and outside of all doors communicating directly with the store.
- (13) The owner or person in charge of a flammable store must ensure that the flammable store doors are kept locked when the store is not in use.
- (14) A person shall not enter a flammable store or cause or permit it to be entered without the permission of the owner or person in charge of the premises.
- (15) Sufficient fire extinguishers, as determined by the Council, must be mounted on the external wall of the flammable store in a conspicuous and easily accessible position.
- (16) Any hand tool used in the flammable store must be intrinsically safe.
- (17) A person may not use or permit a flammable store to be used for any purpose other than that indicated on the flammable substance certificate, unless the store is not in use as a flammable store and the Council has been notified in terms of the following procedure:
  - (a) within seven days of the cessation, notify the Council in writing thereof;
  - (b) within 30 days of the cessation, remove the flammable substance from the flammable store and render it safe, and
  - (c) within 30 days of the cessation, remove all signage.
- (18) Subject to the provisions in this section, the Council may call for additional requirements to improve the fire safety of a flammable store.

#### Container handling and storage

- 105 (1) Every flammable substance container must -
  - (a) be kept closed when not in use;
  - (b) be declared gas- or vapour-free by a competent person before any modification or repairs are undertaken;
  - (c) be manufactured and maintained in such condition as to be reasonably safe from damage and to prevent leakage of any flammable substance or vapour from the container.
- (2) Every flammable liquid container must be labelled and marked with words and details indicating the flammable liquid contained in the container as well as any hazard associated with the flammable liquid.
- (3) No person may extract flammable liquid from a container of a capacity exceeding 200 litres, unless the container is fitted with an adequately sealed pump or tap.
- (4) Any empty flammable liquid container must be stored in a storeroom.
- (5) Notwithstanding the provisions of subsection (4) the Chief Fire Officer may permit the storage of any empty flammable liquid container in the open air if no storeroom is available and if he or she is satisfied that -





- (a) the storage area is in a position and of sufficient size that a fire hazard or other threatening danger will not be caused;
  - (b) the storage area is well ventilated and enclosed by a wire mesh fence;
  - (c) the fence supports are of steel or reinforced concrete;
  - (d) the storage area has an outward opening gate that is kept locked when not in use;
  - (e) when the floor area exceeds 10 m<sup>2</sup> an additional escape gate is installed and fitted with a sliding bolt or other similar locking device that can be opened from the inside without the use of a key; and
  - (f) the storage area is free of vegetation and has a non-combustible, firm and level base.
- (6) When the quantity of flammable and combustible liquids to be stored is more than 100 litres of class I and/ or more than 210 litres of class II and class III A combined, such flammable and combustible liquids must be stored in a store room.

#### **Liquid petroleum gas containers**

- 106
- (1) A liquid petroleum gas container must be manufactured, maintained and tested in accordance with SANS 087: Part 1 and SANS 019.
  - (2) A liquid petroleum gas container must be used and stored in such a manner as to prevent damage or leakage of liquid or vapour therefrom.
  - (3) A liquid petroleum gas container of a capacity not exceeding nine kilogram must be filled and stored in accordance with SANS 087: Part 7.

### **CHAPTER 8**

#### **TRANSPORT, SUPPLY AND DELIVERY OF DANGEROUS GOODS**

##### **Transport of dangerous goods prohibited without permits**

- 107 The owner of any vehicle used for transporting dangerous goods, must -
- (a) be in possession of a valid transport permit issued by the Chief Fire Officer in accordance with the National Road Traffic Act; and
  - (b) ensure that the transport permit is available in the vehicle for inspection at all times.

##### **Application for transport permits**

- 108 An application for a transport permit must be completed and submitted to the Chief Fire Officer in the form and manner determined by the Council together with the prescribed fee.

##### **Requirements of transport permits**

- 109 A transport permit -
- a. may not be issued by the Chief Fire Officer for a period longer than 12 months; and
  - b. must -
    - i. indicate the date of issue and expiry;
    - ii. identify the issuing officer and bear that officer's signature;
    - iii. contain a serial number;
    - iv. indicate the group and quantity of dangerous goods that may be transported under the permit; and
    - v. contain a description of the vehicle concerned, including its registration number.

##### **Cancellation of transport permit**

- 110 The provisions of section 49, read with the necessary changes, apply to any cancellation of a transport permit by the Chief Fire Officer.

##### **Exemption from transport permits**



111 A transport permit contemplated in section 106 is not required for the transportation of dangerous goods of the type and not exceeding the quantities stipulated in Schedule 3.

#### **Design, construction, maintenance and repair of road tankers**

112 Every person who designs, constructs, maintains or repairs any road tanker for the transportation of dangerous goods must -

- (a) comply with the provisions of SANS 0189, SANS 1398, SANS 0233, SANS 087, Part 6 SANS 089, Part 1, SANS 0230 and SANS 1518, as the case may be; and
- (b) ensure that the road tanker is labelled in a manner that complies with the provisions of SANS 0232 and any applicable law.

#### **Design, construction, maintenance and repair of other vehicles**

113 Every person who designs, constructs, maintains or repairs any vehicle for the transportation of dangerous goods, except a road tanker, must ensure that the vehicle -

- (a) is designed and constructed -
  - i. to safely transport the quantity and type of dangerous goods for which the vehicle is intended to be used; and
  - ii. with at least two independent axle systems, each with its own suspension system, excluding any trailer forming part of an articulated vehicle;
- (b) is equipped with -
  - (i) a safety edge or safety railing -
    - (aa) at least 1 metre high when measured from the surface of the body of the vehicle; and
    - (bb) capable of securing dangerous goods containers;
  - (ii) strong and durable straps -
    - (aa) capable of fastening dangerous goods containers securely to the body of the vehicle;
    - (bb) that are anchored firmly to the bodywork of the vehicle; and
    - (cc) that are fitted with a reversible cog winch mechanism that can be locked;
  - (iii) electrical wiring that complies with SANS 314;
  - (iv) at least 2 static-free wheel blocks;
  - (v) a power insulating switch, excluding the ignition switch, situated in close proximity to the vehicle battery and in a position readily accessible in any emergency; and
  - (vi) a spark-proof and static-free tank that is designed, constructed and equipped to protect any dangerous goods consignment from shock or ignition while in transit.

#### **General prohibitions regarding transport of dangerous goods**

- 114 (1) No person may use or allow to be used, any vehicle to transport dangerous goods, unless -
- (a) the vehicle has a valid roadworthy certificate;
  - (b) if not exempt in terms of section 110, the vehicle is equipped with at least two 9 kilogram dry chemical fire extinguishers -
    - (i) designed and manufactured in accordance with SANS 810 and maintained in accordance with SANS 0105 and SANS 1475; and
    - (ii) positioned and installed so that there is at least one fire extinguisher on each side of the vehicle that can be reached quickly and easily in the event of a fire.
- (2) No person may use or allow to be used any vehicle to transport dangerous goods unless the vehicle cabin, body, cargo space, cargo tank, fuel tank, chassis and engine are effectively and permanently earthed with each other.

#### **Supply of dangerous goods prohibited in certain circumstances**



- 115
- (1) No person may deliver or supply or allow to be delivered or supplied any dangerous goods of a type and in a quantity exceeding that specified in Schedule 2 to any premises that are not registered as contemplated in section 64.
  - (2) No person may deliver or supply or allow to be delivered or supplied any dangerous goods to any premises in contravention of any conditions of the certificate of registration applicable to those premises.
  - (3) No person may handle or allow to be handled any container containing dangerous goods in a manner that may damage that container.
  - (4) Every person who delivers dangerous goods must ensure that -
    - (a) a 9 kilogram dry chemical fire-extinguisher is available at all times during the delivery;
    - (b) during any transfer of the dangerous goods, the delivery vehicle is physically earthed to the storage facility to which the dangerous goods are being transferred;
    - (c) while delivering -
      - (i) the delivery vehicle is placed in such a position that it can be moved easily and quickly in the event of an emergency;
      - (ii) the delivery vehicle is not parked on or across a pavement or a road;
      - (iii) no delivery hose lies on or across a pavement, road or other premises;
    - (d) no dangerous goods are transferred to a storage facility that does not comply with the requirements of Chapter 7 and the provisions of SANS 0263;
    - (e) any device connected with, or used for, the delivery of the dangerous goods -
      - (i) is designed for its purpose; and
      - (ii) is maintained in safe and good working condition; and
    - (f) no dangerous goods are spilled during delivery.
  - (5) No person may transfer or allow to be transferred any dangerous goods to any motor vehicle, aircraft, vessel, ship or boat while its power source is in operation.
  - (6) No person may transfer any dangerous goods to any aircraft unless the aircraft is earthed to the transferral device by means of an earth cable.

#### **Records of transport permits**

- 116 The Chief Fire Officer must keep updated records of all vehicles in respect of which a transport permit has been issued, amended or renewed.

## **CHAPTER 9**

### **SPRAY PAINTING**

#### **Spraying prohibited without spraying permit**

- 117
- (1) No person may spray, coat, plate or epoxy-coat any vehicle, article, object or building or part thereof or allow them to be sprayed, coated, plated or epoxy-coated with any flammable substance unless -
    - (a) that person is in possession of a spraying permit contemplated in section 117;
    - (b) the spraying, coating, plating or epoxy-coating as the case may be is conducted in a spraying room approved by the Chief Fire Officer on premises registered for that purpose.

#### **Application for spraying permit**

- 118 Any person who wishes to obtain a spraying permit must -



- (a) complete and submit to the Chief Fire Officer an application form for such permit in the form and manner determined by the Council; and
- (b) pay the prescribed fee.

#### **Cancellation of spraying permit**

- 119 The provisions of section 49, read with the necessary changes, apply to the cancellation by the Chief Fire Officer of any spraying permit.

#### **Duties of owner, occupier or person in charge of spraying room**

- 120 Every owner, occupier and person in charge of a spraying room must ensure that
- (a) the spraying room complies with the requirements of this Chapter; and
  - (b) every other person on the premises complies with the provisions of this Chapter.

#### **Design and construction of spraying rooms and booths**

- 121 (1) A spray room, booth or area designated for the application of a flammable liquid must be constructed and equipped in such a manner as to comply with the General Safety Regulations promulgated in terms of the Occupational Health and Safety Act.
- (2) Every spraying room must be designed and constructed according to the following criteria:
- (a) every window frame must consist of steel with window panels –
    - (i) that cannot be opened;
    - (ii) that do not exceed 450 millimetres x 450 millimetres in size; and
    - (iii) that are fitted with wire glass with a thickness not less than 8 millimetres;
  - (b) if based on a brick and concrete construction –
    - (i) the floor must consist of concrete;
    - (ii) the walls must consist of brick or concrete;
    - (iii) the roof must consist of reinforced concrete; and
    - (iv) every door must consist of a Class B-type fire doors as contemplated in SANS 1253; and
  - (c) if based on a metal structure –
    - (i) the framework of the structure, including door assemblies must consist of a sturdy steel profile with a minimum wall thickness of 1 millimetres;
    - (ii) the framework of the entire structure, including any door, must be clad on both sides with sheet metal with a minimum thickness of 1.3 millimetres;
    - (iii) the framework of the entire structure must be fume-proof, flame-proof and liquid-proof;
    - (iv) the floor must consist of concrete or metal;
    - (v) all material used must have a fire integrity grading of at least 60 minutes; and
    - (vi) the structure must be constructed, installed and finished so that all surfaces are smooth in order to prevent any furring which may hamper ventilation, washing or cleaning of the spraying room.

#### **Water floors for spraying rooms**

- 122 Every spraying room which is designed and constructed with a sunken water floor must be designed and constructed so that –
- (a) the water is covered at the level of the sill by a sturdy, stable, non-combustible and corrosion-free floor grill capable of bearing the weight of every person and object in the spraying room; and



- (b) the water in the sunken water floor is circulated through an effective non-combustible and cleanable filtering system by a closed circuit pump circulation system consisting of non-corrosive metal pipes of suitable diameter and wall thickness.

#### Electrical equipment in spraying rooms

- 123 (1) Any electrical apparatus, light, fitting and switch gear installed or used in a spraying room must be installed and used in accordance with SANS 0108.
- (2) Any switch gear, distribution box, fuse and other electrical equipment, except equipment as contemplated in SANS 0108 must -
- (a) be located outside the spraying room; and
  - (b) be positioned so as not to come into contact with fumes from the spraying room.
- (3) Any switch for the mechanical ventilation system of a spraying room must be situated outside the spraying room.
- (4) Any metal part and electrical fitting and any other device used in, or in connection with, the spraying room, must be earthed effectively with each other and the ground.
- (5) Every electrical installation in a spraying room may be installed only by a suitably qualified electrician who must -
- (a) certify in writing that the installation complies with all applicable legal requirements; and
  - (b) furnish the certificate to the owner or person responsible for the premises concerned.
- (6) The owner or person responsible for the premises on which the spraying room is located must submit the certificate contemplated in subsection (5) to the Chief Fire Officer without delay.

#### Location of spraying rooms

- 124 (1) The owner, occupier and person in charge of a spraying room must ensure that there is an escape opening between the spraying room and any other activity, process or area on the premises concerned
- (a) of at least 1200 millimetres wide; and
  - (b) that must at all times be kept free of any obstruction, refuse or combustible material.
- (2) If any other activity or process which may pose a fire hazard is conducted adjacent to a spraying room on any premises, the escape opening contemplated in subsection (1), must be clearly identified by a fire partition wall -
- (a) of a height at least 300 millimetres higher than the roof of the spraying room; and
  - (b) with a fire resistance of at least 60 minutes.
- (3) No more than two sides of a spraying room contemplated in section 120(1)(c), may border a fire partition wall.

#### Access to spraying rooms

- 125 In addition to any door for the access of motor vehicles or other objects to any spraying room, every spraying room must have at least two hinged doors for escape purposes that -
- (a) open to the outside of the spraying room;
  - (b) have dimensions of at least 800 millimetres wide x 2000 millimetres high;
  - (c) are positioned on opposite sides of the spraying room so that the distance to be covered to any door when any object is in the spraying room for spraying does not exceed 4 metres; and
  - (d) are fitted with a locking mechanism that is at all times capable of being opened from the inside of the spraying room without the use of a key.

#### Ventilation of spraying rooms

- 126 Every spraying room must be equipped with a mechanical inlet and outlet ventilation system designed and installed -
- (a) so that ventilation of at least 0.5 metres per second is provided across the spraying room;
  - (b) with vanes consisting of static-free material;
  - (c) so that it releases fumes into the open air from outlets that are not located within 5 metres of any opening of a



building or erf boundary;

- (d) with ventilators that are attached firmly to the inside walls of the spraying room with bottom ventilators affixed as close as possible to the level of the sill;
- (e) with ventilation and air duct openings installed in opposite walls, doors or the roof so as to ensure effective cross-ventilation; and
- (f) with ducting material that is fitted with a fire damper and covering of at least 120 minutes fire resistance where the ducting material exists the spraying room, if ducting material is installed external to the spraying room in communication with the remainder of the building concerned.

#### Fire dampers, protectors and alarms in spraying rooms

- 127
- (1) A fire damper manufactured and installed in accordance with SANS 193, must be affixed in front of any air purification filter or part of such filter on the inside of any spraying room.
  - (2) The fire damper must –
    - (a) be capable of closing automatically by means of a suitably located sensor that is activated by a rise of more than 10°C in the predetermined working temperature inside the spraying room;
    - (b) be installed so that it will remain in position even if the air duct distorts during a fire; and
    - (c) be equipped with an overriding fusible link.
  - (3) The ventilation system must be equipped with a sensor that -
    - (a) is capable of turning off the ventilation system and any heating device used in connection with the spraying room, in the event of a fire or a rise of more than 10°C in the predetermined working temperature inside the spraying room; and
    - (b) activates a visual and audible alarm inside and outside the spraying room in an event contemplated in paragraph (a).

#### Design and positioning of ventilation outlets for spraying rooms

- 128 Every outlet opening from a spraying room must be designed and positioned to release fumes from the spraying room into the open air at least -
- (a) 1 metre above any roof on the premises;
  - (b) 4 metres above the ground level; and
  - (c) 5 metres from any opening of a building situated on or adjacent to the spraying room.

#### Display of signs on spraying rooms

- 129
- (1) A symbolic sign prohibiting open flames and smoking must be affixed to the inside and the outside of every door of a spraying room.
  - (2) Any symbolic sign contemplated in subsection (1), must be –
    - (a) manufactured and installed in accordance with SANS 1186; and
    - (b) of dimensions at least 290 millimetres by 290 millimetres.

#### Manifold installations in spraying rooms

- 130 Every manifold installation of a Group II hazardous substance that forms an integral part of the heating system of any spraying room must -
- a. comply with SANS 087 (Part 1); and
  - b. the requirements of these Bylaws .

#### General prohibitions regarding spraying rooms

- 131 No person may –
- (a) use any spraying room or allow any spraying room to be used unless signs prohibiting open flames and smoking are affixed to the spraying room in compliance with section 128;
  - (b) enter a spraying room or allow any other person to enter a spraying room without the authority of the owner,



occupier or person in control of the spraying room;

- (c) use any spraying room or allow any spraying room to be used for any purpose other than spray painting or related activities;
- (d) enter any spraying room or allow any other person to enter a spraying room unless the mechanical ventilation system is operating; or
- (e) place any obstruction of hindrance or allow any obstruction or hindrance to be placed in any escape opening or in front of any door of a spraying room.

#### **Fire extinguishing equipment in spraying rooms**

- 132 (1) Every spraying room must be equipped with -
- (a) at least one 9 kilogram dry chemical fire extinguisher installed on the inside of the spraying room; and
  - (b) at least one 9 kilogram dry chemical fire extinguisher installed on the outside of the spraying room.
- (2) Fire extinguishers contemplated in subsection (1) must be installed in positions approved by a member of the Service.
- (3) Every spraying room must be protected by at least one fire hose reel as specified in SANS 543 -
- (a) that is connected to a water supply as contemplated in SANS 0400 (Part W); and
  - (b) that enables the hose reel to maintain a flow of at least 0.5 litres per second at a work pressure of at least 300 kPa.

### **CHAPTER 10**

#### **FIRE BRIGADE SERVICES**

##### **Establishment and maintenance of Service**

- 133 (1) The Council has established a Fire Brigade Service as contemplated in section 3 of the Fire Brigade Services Act.
- (2) The Council must maintain the Service, which includes -
- (a) appointing a Chief Fire Officer and the necessary members of the Service;
  - (b) ensuring that they are properly trained; and
  - (c) acquiring and maintaining the necessary vehicles, machinery, equipment, devices and accessories to ensure that the Service is effective and able to fulfil its objects.

##### **Objects of Service**

- 134 The objects of the Service are –
- (a) to prevent the outbreak and spread of fire;
  - (b) to fight and extinguish any fire that endangers any person or property;
  - (c) to protect any person and property against any fire hazard or other danger contemplated in these Bylaws ; and
  - (d) to rescue any person and property from any fire or other danger contemplated in these Bylaws .

##### **Services to other persons**

- 135 (1) The Service may, provide any service related to its objects to any other person against payment of the prescribed fee.
- (2) Any service contemplated in subsection (1), may be terminated without notice if the services, equipment or personnel involved in providing that service are required to deal with an emergency.

##### **Instructions by members of Service**

- 136 (1) In addition to any powers under section 8 of the Fire Brigade Services Act, a member may give any instruction to any person in order to secure compliance with these Bylaws or to ensure the safety of any person or property.



- (2) An instruction may be given orally or in writing and if the instruction is given orally, the member must confirm it in writing and give it to the person concerned at the earliest opportunity.
- (3) An instruction contemplated in subsection (1) may include, but is not limited to an instruction -
  - (a) for the immediate evacuation of any premises;
  - (b) to close any premises until such time as any contravention of these Bylaws has been rectified;
  - (c) to cease any activity;
  - (d) to remove any immediate threat to the safety of any person or property;
  - (e) to take specified steps to comply with these Bylaws, either immediately or within a specified period; and
  - (f) if it is not reasonable for steps referred to in paragraph (e), to be taken immediately, for the owner or occupier of the premises concerned to provide the Chief Fire Officer with a written description of the steps to be taken and a time-table for the taking of these steps in order to ensure compliance with these Bylaws.

#### **Pretending to be member of Service prohibited**

- 137 (1) No person may pretend to be a member.
- (2) No person who is not a member may wear any official clothing, uniform, badge or insignia of the Service.

#### **Certificates to identify members of Service**

- 138 (1) The Chief Fire Officer must provide each member with a certificate identifying that person as a member.
- (2) A member, while performing any function or exercising any power under these Bylaws must –
  - (a) keep the certificate provided in terms of subsection (1), on his or her person; and
  - (b) produce it for inspection on request by any person.

#### **Cost of analysis samples**

- 139 (1) Any costs incurred by the Council in connection with the analysis of any sample taken from any premises for the purposes of these Bylaws, and a report on such analysis by an institution accredited by the Chief Fire Officer for that purpose may be recovered from the owner or occupier of that premises if the owner or occupier of the premises is not in compliance with these Bylaws regarding the substance concerned.

### **CHAPTER 11**

#### **ENFORCEMENT PROVISIONS**

##### **Enforcement provisions**

- 140 Any authorized official of the Council may –
  - (1) enter any premises at any reasonable time to inspect the premises for compliance with this by-law;
  - (2) summarily abate any condition on any premises which is in violation of any provision of this by-law and which presents an immediate fire hazard or other threatening danger and to this end may-
    - (a) call for the immediate evacuation of the premises;
    - (b) order the closure of the premises until such time as the violation has been rectified;
    - (c) order the cessation of any activity, and
    - (d) order the removal of the immediate threat.

##### **Authority to investigate**

- 141 The Council has the authority to investigate the cause, origin and circumstances of any fire or other threatening danger.





#### Failure to comply with provisions

- 142 (1) When the Council finds that there is non-compliance with the provisions of this by-law a written notice must be issued and include the following:
- (a) confirmation of the findings;
  - (b) provisions of this by-law that are being contravened;
  - (c) the remedial action required, and
  - (d) set forth a time for compliance.
- (2) Nothing in this by-law prevents the Council or any authorized official from taking immediate action to take immediate corrective action in respect of any fire or other threatening danger found on any premises and to recover any costs incurred from the owner.

#### Interference with duties

- 143 No person shall interfere with or in any manner hinder a person authorised by the Council to investigate or extinguish fires while such authorised person is in the performance and execution of their duties.

#### Interference with equipment

- 144 No person shall obstruct or interfere with the operation or use of any fire hydrant, emergency use water inlet or outlet connection on a building, fire alarm control panel, manual alarm station or any fire detection device or equipment.

#### Fire hydrants

- 145 No person shall open, cause or permit to be opened a fire hydrant to obtain or discharge water unless authorised to do so by the council

#### Fire hoses

- 146 No person shall move a fire hose or cause or permit a vehicle to be driven over a fire hose at the scene of a fire unless authorised to do so by the officer in charge of the site.

#### Assistance orders

- 147 A person who receives an oral or written order from a person authorised by the council to extinguish fires requiring the person to provide labour, services, equipment or materials to assist in extinguishing a fire shall comply with the order.

#### False alarms

- 148 No person shall make, cause or permit to be made a false alarm of a fire.

#### Unauthorised keys

- 149 No person shall use or have in their possession or control any key for a vehicle used to respond to or extinguish fires, or for a fire alarm or elevator control key box unless authorised by the council

#### Impersonation

- 150 No person shall use or have in their possession or control identification, insignia, equipment or a uniform used in relation to the fire rescue services provided by the council unless permitted by the council.

No person shall represent themselves as a fire fighter or a person providing certain fire rescue services unless permitted by the council

#### Bylaws bind State

- 151 These Bylaws bind the State and any person in the service of the State.

#### Offences and penalties

- 152 Any person who –
- (a) contravenes or fails to comply with any provision of these Bylaws ;
  - (b) fails to comply with any notice issued or displayed in terms of these Bylaws ;
  - (c) fails to comply with any lawful instruction given in terms of these Bylaws ; or



- (d) obstructs or hinders, or improperly influences or attempts to do so, any authorised representative or employee of the Council in the execution of his or her duties or performance of his or her powers or functions under these Bylaws;

is guilty of an offence and liable on conviction to a fine not exceeding R15.000.00 or imprisonment for a period not exceeding 6 months as regulated from time to time in terms of the Adjustment of Fines Act 101 of 1991.

#### **Continuing offence**

- 153 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount no less than that established by this bylaw for each such day

#### **Vicarious liability**

- 154 For the purposes of this bylaw, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent's exercising the powers or performing the duties on behalf of the person under their agency relationship.

#### **Corporation and partnerships**

- 155 When a corporation commits an offence under this bylaw, every principal, director, manager, employee or agent of the corporation who authorised the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorised the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

### **CHAPTER 12**

#### **MISCELLANEOUS**

##### **Reports**

- 156 The owner of any property damaged by fire shall report all particulars of the fire forthwith to the council

##### **Handling of animals during emergencies**

- 157 (1) The owner, occupier or person in charge of any zoological garden, feedlot, stable, research institution, veterinary practice or any place of veterinary science study, must ensure the professional handling of any animal on the premises concerned during an emergency.
- (2) Notwithstanding the provisions of subsection (1), the Chief Fire Officer may, in respect of any premises, authorise a suitably qualified person to handle or put down any animal during an emergency.
- (3) The Council may recover any costs incurred in relation to the professional handling or putting down of any animal during an emergency from the owner or occupier of the premises concerned.

##### **Exemption from provisions of these Bylaws**

- 158 (1) Any person may make application to the Council in writing, for an exemption from any provision of these Bylaws, specifying the reasons for exemption in such application.
- (2) The Council may grant an exemption –
- in general or in particular;
  - for any period; and
  - subject to any condition that will provide the same overall fire prevention and protection that would result from the full application of these Bylaws.
- (3) If an exemption is granted in terms of subsection (2), the Council must issue a certificate of exemption to the person concerned, specifying the scope and period of the exemption and any condition imposed.
- (4) The Council may amend or withdraw a certificate of exemption at any time.
- (5) The holder of a certificate of exemption must ensure that the certificate is available on the premises concerned at all times for inspection by any member.



#### **Approval, authorisation or permission under these Bylaws**

- 159 Any person who requires any approval, authorisation or permission contemplated in these Bylaws, in respect of which no application procedure is provided, must apply for that approval, authorisation or permission -
- by completing and submitting an application in the form and manner determined by the Council; and
  - by paying the prescribed fee.

#### **Cancellation of approval, authorisation or permission**

- 160 The provisions of section 24, read with the necessary changes, apply to any approval, authorisation or permission contemplated in section 104.

#### **Inspection fees**

- 161 The council may charge fees in accordance with schedule 7 to any person requesting or requiring an inspection described in the schedule

#### **Permit fees**

- 162 The council may charge fees in accordance with schedule 7 to any person requesting or requiring a permit described in the schedule

#### **Fire rescue fees**

- 163 The council may charge fees in accordance with schedule 7 to any person requesting or requiring a service described in the schedule

#### **Administration fees**

- 164 The council may charge fees in accordance with schedule 7 to any person requesting or requiring a service described in the schedule

#### **Permits**

- 165 A person to whom a permit has been issued pursuant to this bylaw, and any person carrying out an activity otherwise regulated, restricted or prohibited by this bylaw pursuant to such permit, shall comply with any terms or conditions forming part of the permit.

A person shall not make any false or misleading statement or provide any false or misleading information to obtain a permit pursuant to this bylaw

If any term or condition of a permit issued pursuant to this bylaw is contravened or if a false or misleading statement or false or misleading information was provided to obtain the permit, municipal manager may immediately cancel the permit

#### **Fines**

- 166 The Council may charge fines in accordance with schedule 8.

#### **Proof of permit**

- 167 The onus proving a permit has been issued in relation to any activity otherwise regulated, restricted or prohibited by this bylaw is on the person alleging the existence of such a permit on a balance of probabilities.

#### **Certified copy of record**

- 168 A copy of the record of the council, certified by the municipal manager as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

#### **Repeal of Bylaws**

- 169 The Bylaws listed in Schedule 5 are hereby repealed.

#### **Short title**

- 170 These Bylaws are called the Community Fire Safety Bylaws 2014.

### **SCHEDULE 1**

#### **GUIDELINE FOR EMERGENCY EVACUATION PLANS**

**Content of emergency evacuation plans**

1. Every emergency evacuation plan contemplated in section 17 must contain at least the information under the headings below.
  - (1) Emergency telephone numbers  
A list of all relevant emergency telephone numbers.
  - (2) General information
    - (a) the physical address of the premises;
    - (b) a description of the activities on the premises;
    - (c) the number of persons present on the premises at any time;
    - (d) an indication of any control room on the premises;
    - (e) an indication of any alarm system on the premises; and
    - (f) the particulars and contact details of every responsible person in the event of an emergency;
  - (3) Area study  
An area study addressing the following:
    - (a) a history of emergency incidents on the premises;
    - (b) any important and relevant features or landmarks regarding the premises; and
    - (c) any information regarding adjacent premises that may be relevant to evacuation in an emergency.
  - (4) Socio-economic or other threats  
Any socio-economic or other threats and their potential impact on the premises.
  - (5) Details of available equipment  
Particulars and details regarding the position of the following equipment:
    - (a) Equipment in the control room;
    - (b) fire fighting and first aid equipment on the premises; and
    - (c) any other equipment which may be relevant in an emergency.
  - (6) The emergency team  
Particulars and details regarding the identity of members of the emergency team, including -
    - (a) its management;
    - (b) the continuity officers;
    - (c) the fire teams; and
    - (d) the first aid teams.
  - (7) Duties of emergency team members  
The duties and responsibilities of members of the emergency team.
  - (8) Action plans and emergency procedures  
Details of the specific action plans and emergency procedures applicable to the premises.
  - (9) Building plans and maps  
The building plans of the premises and any relevant topographical map must be included in the evacuation plan.
  - (10) Emergency plan register The plan must include –



- (a) an updated register of the emergency evacuation plan;
- (b) an updated drill register for the emergency evacuation plan; and
- (c) a bomb threat questionnaire.

#### Review of emergency evacuation plans

2. (1) An emergency evacuation plan must be reviewed and updated by the owner or occupier of the premises concerned at least once each year and whenever a member of the management of the emergency team ceases to work at the premises.
- (2) Whenever an emergency evacuation plan is reviewed and updated, the owner or occupier of the premises concerned must ensure that all old plans on the premises or in the possession of the management of the emergency team are collected and destroyed in order to eliminate any confusion regarding the validity and accuracy of the evacuation plan.

#### Emergency evacuation drills

3. (1) An emergency evacuation plan should be drilled at least twice each year and involve the participation of all persons who work or reside in the building concerned.
- (2) The owner or person in charge of a building should give all persons who are to be involved in an emergency evacuation drill at least 21 days' notice of the drill.

#### Emergency evacuation awareness

4. Every person who works or resides on premises should be aware of the emergency evacuation plan for that premises.

#### Training of persons

5. Every person who resides or works on premises with an emergency evacuation plan should be suitably trained in -
  - (a) first aid or fire fighting;
  - (b) emergency aid;
  - (c) emergency evacuation procedures; and
  - (d) emergency management techniques.

### SCHEDULE 2

#### EXEMPTION FROM CERTIFICATE OF REGISTRATION

A certificate of registration is in terms of section 35(2) not required if the flammable substances concerned are of a type and do not exceed the quantity stipulated below.

GASES		
Class O	Liquefied petroleum gas	<p>Flat- Total cylinder capacity may not exceed 9 kg per flat</p> <p>Houses or commercial premises- Total maximum of 19 kg inside and total maximum of 100 kg on premises</p> <p>Industrial premises- Maximum of 19 kg per 600 m<sup>3</sup> of building space with a total maximum of 100 kg</p>
FLAMMABLE	LIQUIDS AND COMBUSTIBLE	LIQUIDS
Class I	Liquids that have a closed-cap flash point of below 38°C	Total maximum of 40 litres
Class II	Liquids that have a closed-cap flash point of 38°C or above, but below 60.5°C	Total quantity of Class II and Class IIIA together may not exceed the maximum quantity of 210 litres



Class IIIA

Liquids that have a close-cap  
flash point of 60.5°C or above  
but below 93°C

### SCHEDULE 3 EXEMPTION FROM TRANSPORT PERMIT

A transport permit is in terms of section 73 not required for the transport of dangerous goods of the type and not exceeding the quantity stipulated below.

GROUP	DESCRIPTION	QUANTITY
<b>II</b>	<b>GASES</b>	
	Flammable gases	Total cylinder capacity may not exceed 50 kilograms
	Non-flammable gases	Total cylinder capacity may not exceed 333 kilograms
<b>III</b>	<b>FLAMMABLE LIQUIDS</b>	
	With flash points $\leq 18^{\circ}\text{C}$	Total quantity may not exceed 100 litres
	With flash points $> 18^{\circ}\text{C}$ but $\leq 23^{\circ}\text{C}$	Total quantity may not exceed 420 litres
	With flash points $> 23^{\circ}\text{C}$ but $\leq 61^{\circ}\text{C}$	Total quantity may not exceed 1100 litres
	With flash points $> 61^{\circ}\text{C}$ but $\leq 100^{\circ}\text{C}$	Total quantity may not exceed 1 100 litres
<b>IV</b>	<b>FLAMMABLE SOLIDS</b>	
	Flammable solids	Total quantity may not exceed 250 kg
<b>V</b>	<b>OXIDISING AGENTS AND ORGANIC PEROXIDES</b>	
	Oxidising agents	Total quantity may not exceed 200 kilograms
	Group II organic peroxides in Packets	Total quantity may not exceed 200 kilograms
<b>VI</b>	<b>TOXIC / INFECTIVE SUBSTANCES</b>	
	Group I toxic substances in Packets	Total quantity may not exceed 5 kilograms
	Group II toxic substances in Packets	Total quantity may not exceed 50 kilograms
	Group III toxic substances in Packets	Total quantity may not exceed 500 kilograms
<b>VIII</b>	<b>CORROSIVE / CAUSTIC SUBSTANCES</b>	
	Group I acids in packets	Total quantity may not exceed 50 kilograms
	Group II acids in packets	Total quantity may not exceed 200 kilograms
	Group III acids in packets	Total quantity may not exceed 1000 kilograms
	Group I alkaline substances in packets	Total quantity may not exceed 50 kilograms
	Group II alkaline substances in packets	Total quantity may not exceed 200 kilograms



	Group III alkaline substances in packets	Total quantity may not exceed 1000 kilograms
<b>IX</b>	<b>MISCELLANEOUS SUBSTANCES</b>	
	Liquids	Total quantity may not exceed 210 litres
	Solids	Total quantity may not exceed 210 kilograms

**SCHEDULE 4****SANS CODES OF PRACTICE AND SPECIFICATIONS**

<b>SANS Code</b>	<b>Title</b>
SANS 019	Portable metal containers for compressed gas - basic design, manufacture, use and maintenance.
SANS 087 : Part 1	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 1: Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500/ and a combined water capacity not exceeding 3000/ per installation.
SANS 087 : Part 3	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 3: Liquefied petroleum gas installations involving storage vessels of individual water capacity exceeding 5000/.
SANS 087 : Part 4	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 4: Transportation of liquefied petroleum gas in bulk by road.
SANS 087 : Part 7	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 7: Storage and filling sites for refillable liquefied petroleum gas (LPG) containers of capacity not exceeding 9 kg.
SANS 089 : Part 1	The petroleum industry, Part 1: Storage and distribution of petroleum products in above ground bulk installations.
SANS 089 : Part 2	The petroleum industry, Part 2: Electrical installations in the distribution and marketing sector.
SANS 0105 : Part 1	The classification, use and control of fire fighting equipment, Part 1: Portable fire extinguishers.
SANS 0108	The classification of hazardous locations and the selection of apparatus for use in such locations.
SANS 0131	The handling and storage of liquid fuel, Part 2: Large consumer premises.
SANS 0142	The wiring of premises.
SANS 0177 : Part 5	The testing of materials, components and elements used in buildings: Non-combustibility at 750°C of building materials.
SANS 193	Fire dampers.
SANS 0228	The identification and classification of dangerous substances and goods.
SANS 0230	Transportation of dangerous goods: Inspection requirements of road vehicles.
SANS 0232 : Part 1	Transportation of dangerous goods - Emergency information systems, Part 1: Emergency information systems for road



SANS Code	Title
	transportation.
SANS 0263	The warehousing of dangerous goods, enclosed storage and covered and uncovered outdoor storage yards.
SANS 0400	The application of the National Building Regulations.
SANS 1186 : Part 1	Symbolic safety signs, Part 1: Standard signs and general requirements.
SANS 1253	Fire doors and fire shutters.
SANS 1398	Road tank vehicles for flammable liquids.
SANS 1475 : Part 1	The production of reconditioned fire fighting equipment, Part 1: Portable rechargeable fire extinguishers.
SANS 1518	Transportation of dangerous goods - Design requirements for road tankers.
SANS 1571	Transportable rechargeable fire extinguishers.
SANS 1573	Portable rechargeable fire extinguishers - Foam type extinguishers.

**SCHEDULE 5**  
**REPEALED BYLAWS**

1. Hibiscus Coast Municipality Fire Brigade Bylaw No. 66/2004
2. Umdoni Fire Brigade Bylaw MN79B dated 22 November 2007

**SCHEDULE 6**  
**THABA CHWEU LOCAL MUNICIPALITY**  
**FORMS AND PRECEDENTS**

**FORM 1**

For office use only:  
No: .....  
Date and time of test: .....

To the Chief Fire Officer, Thaba Chweu Local Council

**APPLICATION FOR CERTIFICATE OF COMPETENCE**

Full name of applicant (in block letters) .....

Postal address .....

Age .....

Length of residence in Thaba Chweu .....

Name of employer .....

Period of service with present employer .....

Address of employer .....





Brief details of experience in the use and construction of fire extinguishing appliances .....

.....  
 .....

.....  
 Signature of Applicant

#### SCHEDULE 6

#### FORM 2

#### CERTIFICATE OF COMPETENCE

This is to certify that the person named hereunder passed a test carried out by me the ..... in regard to his knowledge in the construction, use and purpose of fire fighting equipment, and having satisfied the requirements of this Department is entitled to this Certificate of Competence.

1. Person .....
2. Postal address .....
3. Signature of holder .....

Date of issue .....

Certificate No. ....

.....  
 Signature of examining officer

**(Note: This certificate is not transferrable)**

#### SCHEDULE 6

#### FORM 3

#### APPLICATION FOR CERTIFICATE OF REGISTRATION (PREMISES)

Date: ..... 20.....

Application for a Certificate of Registration for premises under the Community Fire Safety Bylaws for Fire and Rescue Services relating to use, handling and storage of flammable substances.

This form must be completed and forwarded to the Chief Fire Officer and accompanied by a plan of the premises, in terms of the Bylaw.

Full name of applicant, if a company, the name of company and its secretary  
 (write in block letters)

Name of applicant .....

Trading as .....

Name of secretary/manager/director .....

State the address of the premises to be registered and the name of the owner thereof:



Name of owner .....

Subdivision ..... Lot .....

Street No. .... Block .....

Street .....

Postal address .....

State class of business

Give a full description of existing and proposed buildings

If this application is for additional storage, state the number of extra litres

How many flammable liquid tanks are there on the premises?

State total storage capacity of flammable liquid tanks on the premises (in litres).

Litres .....

State the type and number and date of issue of any mineral oil and/or trading licence issued for these premises. If no licence has been granted, please state date of application therefor.

How many flammable liquids stores are there on the premises?

Number of stores .....

State capacity of stores in litres.

Capacity ..... Litres

State total quantity in litres proposed to be kept on the premises

Class 0 .....

Class I .....

Class II .....

Class III .....

How many flammable liquid pumps are there on the premises? .....

State:

(a) The number of liquefied petroleum gas installations? .....

(b) The types of installations .....

(c) Combined capacity of all cylinders .....

that may be stored on premises



The number of storage facilities for any other flammable substances

.....

Certificate shall be valid from .....

and shall expire on .....

How many fire extinguishers are there on the premises? State the capacity and make of each.

Maker's name .....

Number on premises .....

Capacity of each .....

Signature of applicant .....

Capacity of signatory .....

Phone (H).....(W).....(CELL).....

Physical address .....

Postal address .....

#### SCHEDULE 6

#### **FORM 4**

#### **APPLICATION FOR CERTIFICATE OF REGISTRATION (VEHICLES)**

Date: ..... 20.....

Application for a Certificate of Registration for a vehicle under the Community Fire Safety Bylaws for Fire and Rescue Services relating to transport, supply and delivery of dangerous goods.

This form must be completed and forwarded to the Chief Fire Officer.

Full name of applicant, if a company, the name of company and its secretary  
(write in block letters)

Name of applicant .....

Trading as .....

Name of secretary/manager/director .....

State the address of the premises to be registered and the name of the owner thereof:

Name of owner .....

Subdivision ..... Lot .....

Street No. .... Block .....

Street .....

Postal address .....

Details of the vehicle for which a Certificate of Registration is required.

Type or class of vehicle .....  
(trolley/wagon/van/lorry/tanker/etc)

Registration No. ....

Tare .....



Load .....

Make .....

Number of containers or tanks .....

Capacity of containers or tanks .....

Year of manufacture .....

Engine No .....

Chassis No .....

Quantity of liquid of flammable substance to be conveyed.

Class 0 ..... litres

Class I ..... litres

Class II ..... litres

Class III ..... litres

Manner in which it is proposed to convey the liquid

Number of containers or tanks

Capacity of containers or tanks

Signature of applicant .....

Capacity of signatory .....

#### SCHEDULE 6

##### FORM 5

##### APPLICATION FOR TRANSFER OF CERTIFICATE OF REGISTRATION (PREMISES)

I hereby apply for the Certificate of Registration No. ....

issued no ..... (date)

in respect of the premises situate at .....

used as .....

or in respect of the vehicle with the registration no .....

Make .....

Type .....

To be transferred to:

Name .....

Address .....

The reason for this application to transfer the Certificate of Registration from one person or firm to another person or firm is because

.....

.....

.....



Date .....

Signature of applicant .....

Capacity of signatory .....

Phone (H).....(W).....(CELL).....

Physical address .....

Postal address .....

#### SCHEDULE 6

##### **FORM 6**

##### **APPLICATION FOR PERMIT FOR DISPLAY OF FIREWORKS AND PYROTECHNIC DEVICES**

This form must be completed and forwarded to the Chief Fire Officer and accompanied by a plan of the premises, in terms of the Bylaw.

Full name of applicant, if a company, the name of company and its secretary  
(write in block letters)

Name of applicant .....

Trading as .....

Name of secretary/manager/director .....

State the address of the premises to be registered and the name of the owner thereof:

Name of owner .....

Subdivision ..... Lot .....

Street No. .... Block .....

Street .....

Postal address .....

State class of business

Give a full description of existing and proposed buildings

Date for fireworks / pyrotechnic exhibition or display

Full physical address of such fireworks / pyrotechnic exhibition or display

Name of person in control or supervision of such fireworks / pyrotechnic exhibition or display

Name and address of special effects pyrotechnician / pyrotechnician or theatrical user



.....  
 Has owner of premises where fireworks / pyrotechnic exhibition or display consented to such exhibit? (Proof of such consent to be attached)  
 .....

.....  
 A sketch plan of the proposed venue for the fireworks display including the demarcated area for launching fireworks is to be attached.  
 .....

Date .....

Signature of applicant .....

Capacity of signatory .....

Phone (H).....(W).....(CELL).....

Physical address .....

Postal address .....

#### SCHEDULE 6

#### FORM 7

#### APPLICATION FOR CERTIFICATE OF REGISTRATION

#### FOR SPRAYING PERMIT

This form must be completed and forwarded to the Chief Fire Officer and accompanied by a plan of the premises, in terms of the Bylaw.

Full name of applicant, if a company, the name of company and its secretary  
 (write in block letters)

Name of applicant .....

Trading as .....

Name of secretary/manager/director .....

State the address of the premises to be registered and the name of the owner thereof:

Name of owner .....

Subdivision ..... Lot .....

Street No. .... Block .....

Street .....

Postal address .....

State class of business  
 .....

Give a full description of existing and proposed buildings  
 .....  
 .....

Does the spraying room comply with Section 120(2)(a) or Section 120(2)(b) or Section 120(2)(c) of the Bylaw.  
 .....



Does the spraying room comply with Sections 121, 122, 123, 124, 125, 126, 127, 128, 129, 130 & 131 of the Bylaw.

.....

Date .....

Signature of applicant .....

Capacity of signatory .....

Phone (H).....(W).....(CELL).....

Physical address .....

Postal address .....

#### SCHEDULE 6

#### **FORM 8**

#### **APPLICATION FOR AUTHORITY TO DEAL IN OR SELL FIREWORKS**

This form must be completed and forwarded to the Chief Fire Officer and accompanied by a plan of the premises, in terms of the Bylaw.

Full name of applicant, if a company, the name of company and its secretary  
(write in block letters)

Name of applicant .....

Trading as .....

Name of secretary/manager/director .....

State the address of the premises to be registered and the name of the owner thereof:

Name of owner .....

Subdivision ..... Lot .....

Street No. .... Block .....

Street .....

Postal address .....

State class of business

.....

Give a full description of existing and proposed buildings

.....

.....

Physical address where fireworks shall be stored

.....

Has the owner consented to storage of such fireworks. (Copy of owners consent)

.....

Name of person in control of premises where fireworks to be stored?

.....



Is the applicant in possession of a fireworks licence in terms of the Explosive Act (Copy of licence to be attached)

Date .....

Signature of applicant .....

Capacity of signatory .....

Phone (H).....(W).....(CELL).....

Physical address .....

Postal address .....

#### SCHEDULE 6

##### **FORM 9**

##### **CERTIFICATE OF REGISTRATION FOR PERMIT (PREMISES)**

This is to certify that the premises situated at .....

occupied by .....

and used as a .....

have been duly registered by the Chief Fire Officer under the Community Fire Safety Bylaws for Fire and Rescue Services. The maximum quantity of flammable liquids and substances kept or handled at this address shall not exceed –

##### Flammable liquids

Class 0 ..... litres

Class I ..... litres

Class II ..... litres

Class III ..... litres

Flammable substances .....

(specify types) ..... kgs

This certificate is issued subject to the following conditions:

.....  
 .....  
 .....

This certificate shall expire on .....

.....  
 Chief Fire Officer

Date: .....

This Certificate of Registration must be displayed in a conspicuous position on the Registered Premises.

#### SCHEDULE 6



**FORM 10****CERTIFICATE OF REGISTRATION FOR PERMIT (PREMISES)**

This is to certify that the vehicle, particulars of which are given below, has been examined and found to comply with the prescribed structural requirements as contained in the Community Fire Safety Bylaws for Fire and Rescue Services, for the conveyance of

1 of Class 0 / Class I / Class II / Class III \* flammable liquids in tanks / containers each of a capacity  
litres within the limits of the municipal area and subject to all Bylaws for the time being in force.

Registration No. ....

Make .....

Type of vehicle .....

Owner's name .....

Address .....

This Certificate of Registration is not a warranty of fitness of the vehicle herein described and any owner, driver or other person interested should satisfy himself as to the construction and condition of the said vehicle.

.....  
Chief Fire Officer

Date: .....

This Certificate of Registration must be displayed in a conspicuous position on the vehicle.

\* Delete whichever is not applicable

**SCHEDULE 6****FORM 11****SPRAYING PERMIT**

Date .....

Permit No. ....

This is to certify that the premises situated at .....

and occupied by .....

and used as a .....

has complied with the requirements for a spraying permit.

This permit is valid from ..... to .....

Between the hours of .....and .....

**IMPORTANT**

THE PERMIT HOLDER INDEMNIFIED THABA CHWEU LOCAL MUNICIPALITY, THEIR AGENTS, SERVANTS AND EMPLOYEES HARMLESS FROM LIABILITY, SUITS OR ACTIONS FOR DAMAGES, COSTS, OR OTHER RELIEF BASED ON ACTUAL OR ALLEGED PROPERTY DAMAGE OR INJURY TO OR DEATH OF ANY PERSON ALLEGEDLY OR ACTUALLY CAUSED BY THE USE OF SPRAYING FOR WHICH THIS PERMIT IS VALID.

THIS PERMIT MAY BE CANCELLED OR THE PERMIT HOLDER MAY BE ORDERED TO CEASE THE DISCHARGING, FIRING, OR SETTING OFF OF SPRAYING WHEN IN THE OPINION OF THE COUNCIL OR SOUTH AFRICAN POLICE SERVICE. IT IS CONSIDERED NECESSARY FOR REASONS OF SAFETY OR CONDITIONS EXISTS THAT CONTRAVENE THABA CHWEU COMMUNITY FIRE SAFETY BYLAWS FOR FIRE AND RESCUE SERVICES.

THE PERMIT HOLDER MAY BE REQUIRED TO PAY THE COST TO THE THABA CHWEU COUNCIL FOR FIRE FIGHTING SERVICES THAT WERE, IN THE OPINION OF THE FIRE DEPARTMENT, REQUIRED DUE TO



NEGLIGENCE OR DISREGARD FOR THE REQUIREMENTS OF THIS PERMIT THAT ARE CONTAINED IN THIS BYLAW.

THE PERMIT HOLDER IS RESPONSIBLE FOR ENSURING COMPLIANCE WITH THE REQUIREMENTS THABA CHWEU COMMUNITY FIRE SAFETY BYLAWS FOR FIRE AND RESCUE SERVICES. INCLUDING AMENDMENTS AS THEY MAY OCCUR FROM TIME TO TIME.

I am at least 18 years old and am aware of the conditions for issuance of this permit under the Thaba Chweu Community Fire Safety Bylaws for Fire and Rescue Services, which are printed on the back of this permit.

Authorisation: .....

.....

Chief Fire Officer

.....

Signature of permit holder

Consent of property owner

Full name.....

Date .....

.....

Signature of property owner

#### SCHEDULE 6

#### FORM 12

#### FIREWORKS DISPLAY PERMIT

Date

Permit No.

Pursuant to Thaba Chweu Community Fire Safety Bylaw hereby permit

Name of certified firework supervisor .....

Firework supervisor certificate no. ....

Postal address .....

Phone (H).....(W).....(CELL).....

To supervise and perform a fireworks display for:

Name of sponsoring person, group, association .....

Signature of signing officer (if applicable) .....

Postal address .....

Phone (H).....(W).....(CELL).....

This permit is valid from ..... to .....

Between the hours of .....and .....

#### IMPORTANT

THE PERMIT HOLDER INDEMNIFIED THABA CHWEU LOCAL MUNICIPALITY, THEIR AGENTS, SERVANTS AND EMPLOYEES HARMLESS FROM LIABILITY, SUITS OR ACTIONS FOR DAMAGES, COSTS, OR OTHER RELIEF BASED ON ACTUAL OR ALLEGED PROPERTY DAMAGE OR INJURY TO OR DEATH OF ANY PERSON ALLEGEDLY OR ACTUALLY CAUSED BY THE USE OF THE FIREWORKS FOR WHICH THIS PERMIT IS VALID.

THIS PERMIT MAY BE CANCELLED OR THE PERMIT HOLDER MAY BE ORDERED TO CEASE THE DISCHARGING, FIRING, OR SETTING OFF OF FIREWORKS WHEN IN THE OPINION OF THE COUNCIL OR SOUTH AFRICAN POLICE SERVICE. IT IS CONSIDERED NECESSARY FOR REASONS OF SAFETY OR CONDITIONS EXISTS THAT CONTRAVENE THABA CHWEU COMMUNITY FIRE SAFETY BYLAWS FOR FIRE AND RESCUE SERVICES.

THE PERMIT HOLDER MAY BE REQUIRED TO PAY THE COST TO THE THABA CHWEU COUNCIL FOR FIRE FIGHTING SERVICES THAT WERE, IN THE OPINION OF THE FIRE DEPARTMENT, REQUIRED DUE TO NEGLIGENCE OR DISREGARD FOR THE REQUIREMENTS OF THIS PERMIT THAT ARE CONTAINED IN THIS BYLAW.

THE PERMIT HOLDER IS RESPONSIBLE FOR ENSURING COMPLIANCE WITH THE REQUIREMENTS THABA CHWEU COMMUNITY FIRE SAFETY BYLAWS FOR FIRE AND RESCUE SERVICES. INCLUDING AMENDMENTS AS THEY MAY OCCUR FROM TIME TO TIME.

I am at least 18 years old and am aware of the conditions for issuance of this permit under the Thaba Chweu Community Fire Safety Bylaws for Fire and Rescue Services, which are printed on the back of this permit.

Authorisation: .....



.....  
Chief Fire Officer

.....  
Signature of permit holder

Consent of property owner

Full name.....

Date .....

.....  
Signature of property owner

#### SCHEDULE 6

#### FORM 13

#### PYROTECHNICS DISPLAY PERMIT

Date .....

Permit No. ....

Pursuant to Thaba Chweu Community Fire Safety Bylaw hereby permit

Name of certified Special Effects Pyrotechnician .....

Special Effects Pyrotechnician certificate no. ....

Postal address .....

Phone (H).....(W).....(CELL).....

To supervise and perform a pyrotechnics display for:

Name of sponsoring person, group, association .....

Signature of signing officer (if applicable) .....

Postal address .....

Phone (H).....(W).....(CELL).....

This permit is valid from ..... to .....

Between the hours of .....and .....

#### IMPORTANT

THE PERMIT HOLDER INDEMNIFIED THABA CHWEU LOCAL MUNICIPALITY, THEIR AGENTS, SERVANTS AND EMPLOYEES HARMLESS FROM LIABILITY, SUITS OR ACTIONS FOR DAMAGES, COSTS, OR OTHER RELIEF BASED ON ACTUAL OR ALLEGED PROPERTY DAMAGE OR INJURY TO OR DEATH OF ANY PERSON ALLEGEDLY OR ACTUALLY CAUSED BY THE USE OF THE PYROTECHNIC SPECIAL EFFECTS FOR WHICH THIS PERMIT IS VALID.

THIS PERMIT MAY BE CANCELLED OR THE PERMIT HOLDER MAY BE ORDERED TO CEASE THE DISCHARGING, FIRING, OR SETTING OFF OF PYROTECHNIC SPECIAL EFFECTS WHEN IN THE OPINION OF THE COUNCIL OR SOUTH AFRICAN POLICE SERVICE. IT IS CONSIDERED NECESSARY FOR REASONS OF SAFETY OR CONDITIONS EXISTS THAT CONTRAVENE THABA CHWEU COMMUNITY FIRE SAFETY BYLAWS FOR FIRE AND RESCUE SERVICES.

THE PERMIT HOLDER MAY BE REQUIRED TO PAY THE COST TO THE THABA CHWEU COUNCIL FOR FIRE FIGHTING SERVICES THAT WERE, IN THE OPINION OF THE FIRE DEPARTMENT, REQUIRED DUE TO NEGLIGENCE OR DISREGARD FOR THE REQUIREMENTS OF THIS PERMIT THAT ARE CONTAINED IN THIS BYLAW.

THE PERMIT HOLDER IS RESPONSIBLE FOR ENSURING COMPLIANCE WITH THE REQUIREMENTS THABA CHWEU COMMUNITY FIRE SAFETY BYLAWS FOR FIRE AND RESCUE SERVICES. INCLUDING AMENDMENTS AS THEY MAY OCCUR FROM TIME TO TIME.

I am at least 18 years old and am aware of the conditions for issuance of this permit under the Thaba Chweu Community Fire Safety Bylaws for Fire and Rescue Services, which are printed on the back of this permit.

Authorisation: .....

Fire marshal

.....  
Chief Fire Officer

.....  
Signature of permit holder

Consent of property owner

Full name.....

Date .....



.....  
Signature of property owner

#### SCHEDULE 6

#### FORM 14

#### PERMIT TO DEAL IN OR SELL FIREWORKS

Date	Permit No.
------	------------

This is to certify that .....

is authorised to deal in or sell fireworks from .....

Postal address .....

Phone (H).....(W).....(CELL).....

This permit is valid from ..... to .....

Between the hours of .....and .....

#### IMPORTANT

THE PERMIT HOLDER INDEMNIFIED THABA CHWEU LOCAL MUNICIPALITY, THEIR AGENTS, SERVANTS AND EMPLOYEES HARMLESS FROM LIABILITY, SUITS OR ACTIONS FOR DAMAGES, COSTS, OR OTHER RELIEF BASED ON ACTUAL OR ALLEGED PROPERTY DAMAGE OR INJURY TO OR DEATH OF ANY PERSON ALLEGEDLY OR ACTUALLY CAUSED BY THE USE OF THE FIREWORKS FOR WHICH THIS PERMIT IS VALID.

THIS PERMIT MAY BE CANCELLED OR THE PERMIT HOLDER MAY BE ORDERED TO CEASE THE DISCHARGING, FIRING, OR SETTING OFF OF FIREWORKS WHEN IN THE OPINION OF THE COUNCIL OR SOUTH AFRICAN POLICE SERVICE. IT IS CONSIDERED NECESSARY FOR REASONS OF SAFETY OR CONDITIONS EXISTS THAT CONTRAVENE THABA CHWEU COMMUNITY FIRE SAFETY BYLAWS FOR FIRE AND RESCUE SERVICES.

THE PERMIT HOLDER MAY BE REQUIRED TO PAY THE COST TO THE THABA CHWEU COUNCIL FOR FIRE FIGHTING SERVICES THAT WERE, IN THE OPINION OF THE FIRE DEPARTMENT, REQUIRED DUE TO NEGLIGENCE OR DISREGARD FOR THE REQUIREMENTS OF THIS PERMIT THAT ARE CONTAINED IN THIS BYLAW.

THE PERMIT HOLDER IS RESPONSIBLE FOR ENSURING COMPLIANCE WITH THE REQUIREMENTS THABA CHWEU COMMUNITY FIRE SAFETY BYLAWS FOR FIRE AND RESCUE SERVICES. INCLUDING AMENDMENTS AS THEY MAY OCCUR FROM TIME TO TIME.

I am at least 18 years old and am aware of the conditions for issuance of this permit under the Thaba Chweu Community Fire Safety Bylaws for Fire and Rescue Services, which are printed on the back of this permit.

Authorisation: .....

.....  
Chief Fire Officer

.....  
Signature of permit holder

Consent of property owner

Full name.....

Date .....

.....  
Signature of property owner

**SCHEDULE 7****TARIFFS****FEES PAYABLE TO THE SERVICE IN TERMS OF SECTION 10 OF THE FIRE BRIGADE SERVICES ACT 1987 (ACT 99 OF 1987) FOR PROVIDING EMERGENCY SERVICES****A. FEES FOR HAZARDOUS SUBSTANCES AND FIRE PROTECTION SERVICES**

<b>NO.</b>	<b>DESCRIPTION OF SERVICE</b>	<b>TARIFF (payable annually)</b>
1	Registration of bulk depots	R1500.00
2	Issuing of a certificate of registration for the storage, handling and use of any hazardous substance contemplated in Section 24 of these Bylaws	R350.00
3	Issuing of permits	R350.00
4	Issuing of a certificate of fitness for a public building	R350.00
5	Approval of plans in respect of hazardous substances	R250.00
6	(a) Inspection of a building for the issuing of a certificate of occupancy and any other fire inspection service	R150.00
	(b) Second and subsequent fire inspection services	R150.00
7	Inspection of motor vehicles transporting dangerous goods	R250.00

**B. FEES FOR FIRE INSPECTIONS SERVICES**

<b>NO.</b>	<b>DESCRIPTION OF SERVICE</b>	<b>TARIFF (payable annually)</b>
1	Inspection related to the installation or removal of flammable / combustible fuel tank	R350.00
2	Fire rescue standby service required as a condition of the issuance of the permit or where the Fire Chief has determined that there is sufficient risk to the safety of people or property to merit on scene Fire Rescue Services	R350.00
3	Plans examining and letter of compliance related to the installation or removal of flammable / combustible fuel tank	R350.00
4	Occupancy load approval	R250.00
5	Occupancy load certificate replacement fee	R250.00



6	Occupancy load calculation	R250.00
7	New application for permit inspection	R350.00
8	Second re-inspection of quality management plan occupancy or building	R250.00
9	Requested inspection	R350.00
10	Special event floor plan review and inspection: During the hours of 08h00 – 17h20, Monday to Friday. A maximum 2 hour will apply when outside the hours of 08h00 – 17h20, Monday to Friday	R200.00
11	Special event food outlet inspection: During the hours of 08h00 to 17h20 Monday to Friday, a minimum 2 hour fee will apply when outside the hours of 08h00 to 17h20, Monday to Friday.	R200.00
12	Major development plan review	R350.00
13	File search / summary report. Search of files related to the history of a particular site or address. For the first hour of research, each address (maximum charge for four (4) addresses per building or building complex)	R350.00
14	Inspection of premises for storage of flammable substance, spray paint and fireworks	R350.00
15	Inspection of motor vehicles to transport dangerous goods	R350.00
16	Issuing of permits	R250.00

C. **FEES FOR FIRE RESCUE**

NO.	DESCRIPTION OF SERVICE	TARIFF (payable annually)
1	Hazardous Material Incident  Hazardous Material Response that is not a Basic Motor Vehicle Incident Response	
	(i) If the response is handled and completed by one single pumper apparatus	R350.00
	(ii) Major Hazardous Material Response	R950.00
2	Fire Rescue response to false alarms	
	(i) For the first response related to malfunctioning Fire Safety Installations or other safety monitoring devices, at the same premises responded to during each calendar year	No charge
	(ii) Second (2 <sup>nd</sup> ) response to a false alarm	R150.00
	(iii) Third (3 <sup>rd</sup> ) response to a false alarm	R350.00
	(iv) Fourth (4 <sup>th</sup> ) and each subsequent response to a false alarm	R500.00
3	Fire Rescue Response to Commercial false alarms	
	(i) For the first response related to malfunctioning Fire Safety Installations or other safety monitoring devices, at the same premises responded to during each calendar year	No charge
	(ii) Second (2 <sup>nd</sup> ) response to a false alarm	R350.00
	(iii) Third (3 <sup>rd</sup> ) response to a false alarm	R500.00
	(iv) Fourth (4 <sup>th</sup> ) and each subsequent response to a false alarm	R750.00
4	Security alarms routed to Fire Rescue Services	



	(i) Residential	R750.00
	(ii) Commercial	R1500.00
5	Call out costs - pumpers, pump tankers, 4x4 mobile pumps, rescue trucks, aerial trucks, jet boats, ambulance bus, air monitoring truck : per apparatus per half hour or portion thereof	R350.00
6	Call out costs – fire trucks/cars, salvage truck, hose tender, fan truck, water cannon, mobile command, bus, medical support units, and any other unspecified apparatus : per apparatus per half hour or portion thereof	R150.00
7	Hazardous Material Apparatus	
	(i) per apparatus, for the first thirty minutes or portion thereof, plus expenses and a 15% handling charge for all material and supplies	R750.00
	(ii) per apparatus, for each subsequent thirty minutes or portion thereof, plus expenses, and a 15% handling charge for all materials and supplies	R350.00
8	Cost related to overtime : per members per half hour or portion thereof	R50.00
9	Costs related to dispatch, monitoring and response management : per members per half hour or portion thereof	R50.00
10	Costs related to fire inspection : per members per half hour or portion thereof	R150.00
11	Costs related to the fire investigation : per members per half hour or portion thereof	R150.00
12	Costs incurred by Fire Rescue Services	R500.00

**D. GENERAL DIRECTIVE FOR THE PAYMENT OF THE ABOVE FEES**

- All certificates of registration, certificates of fitness and/or spraying permits will be valid for twelve calendar months. A written application for the renewal of the certificate or permit must reach the service at least one calendar month prior to the expiry thereof.
- When application is made for registration, the appropriate application form, correctly completed in full, must be accompanied by the prescribed fees.
- All the appropriate application forms are available from the service and must be completed in full and, where applicable, be duly signed.
- If, for whatever reason, the fire chief rejects an application for any certificate of registration, certificate of fitness or any permit, the applicant must, within 14 days (excluding weekends and public holidays) of the date of rejection, take corrective steps to ensure that the document in question is issued at no additional cost, failing which the applicant must pay the prescribed fees again.
- The tariff for premises what are liable to registration in respect of paragraph 1, 2 or 3 or a combination of them, will be a single fee of R350.00, irrespective of the combination of items : Provided that such combination applies to one premises and is under the same control.
  - If there are different divisions and/or affiliates within a business and/or company situated on the same premises but each division and/or affiliate is managed separately each division and/or affiliate is liable to registration separately.

**E. RENTAL PAYABLE FOR MAKING SERVICE EQUIPMENT AVAILABLE**

NO.	DESCRIPTION OF SERVICE	TARIFF
1	USE OF VEHICLES	
	1.1. call out tariff – type of vehicle	
	(a) light	R50.00



	(b) medium	R100.00
	(c) heavy	R150.00
	(d) rescue	R100.00
	(e) special	R200.00
	1.2. tariff per vehicle per hour or portion of an hour – type of vehicle	
	(a) light	R150.00
	(b) medium	R300.00
	(c) heavy	R400.00
	(d) rescue	R300.00
	(e) special	R400.00
	(The time is calculated from arrival up to departure)	

F. **USE OF CREW MEMBERS**

Tariff per member per hour or portion of an hour R100.00 (The time is calculated from arrival to departure).

G. **USE OF MATERIALS**

The tariff that is levied is that of materials used, at costs, plus an administrative levy of 10% of the cost of such materials : provided that if any materials for which the controlling authority has prescribed a tariff are used, such tariff will apply.

H. **USE OF THE SERVICE OUTSIDE THE JURISDICTION OF THE COUNCIL**

The tariffs set out in this annexure, plus a surcharge of 50% will be levied if the service is used outside the area of jurisdiction.

I. **REBATE**

If the service is used for a building that is used exclusively for residential purposes, the Chief Fire Officer may, at his/her sole discretion, limit the total amount payable in respect of paragraphs 1 and 2 about to a maximum of R2000.00.

J. **EXEMPTIONS**

The fees payable in terms of paragraphs 1 to 5 above are not applicable to property of the council, unless the property is leased. The fees are also not applicable to grass fires, veld fires and refuse fires on empty even within the area of the council.

K. **ADJUSTMENT IN FEES PAYABLE TO THE SERVICE AS CONTEMPLATED IN CLAUSES A AND B OF THIS ANNEXURE**

The service must ensure that all fees referred to in clause A and B of this annexure are adjusted to keep trend with inflation according to the consumer price index.

L. **ADMINISTRATION FEES**

NO.	DESCRIPTION OF SERVICE	TARIFF
1	<b>Request for the administrative service of a member (including witness interviews)</b>	
	(a) per member, per hour or portion thereof plus expenses (2 hour minimum charge)	R300.00
	(b) plus : thereafter per member per thirty minutes or portion thereof	R50.00
	(c) plus : actual expenses incurred	
2	<b>Reports</b>	
	(a) Requested copies of Fire Rescue run reports, hazardous material reports, fire investigation reports related to a specific incident, including letters of summary and all services associated with providing the requested information:	
	(i) per report, up to two hours research and preparation	R300.00





	(ii) plus : thereafter, per thirty minutes or portion thereof	R50.00
	(b) Duplication of photographs:	
	(i) hard copy photograph	
	(A) up to 5 photographs	R50.00
	(B) each additional photograph	R10.00
	(ii) digital photograph	
	(A) up to 20 digital photographs	R100.00
	(B) each additional digital photograph	R10.00

**SCHEDULE 8****FINES**

NO.	DESCRIPTION OF OFFENCES	FINES
1	Fails to maintain a clear and unobstructed exit or means of egress as required by the Bylaws	R500.00
2	Fails to maintain a fire exit door as required by the Bylaws	R500.00
3	Fails to ensure exterior passageways and exterior exit stairs serving occupied buildings are maintained clear of obstructions as required by the Bylaws	R500.00
4	Fails to maintain, service or test fire equipment as required by the Bylaws	R500.00
5	Fails to maintain, service or test an automatic sprinkler system as required by the Bylaws	R500.00
6	Fails to maintain, service or test special extinguishing system as required by the Bylaws	R500.00
7	Fails to maintain, service or test fire alarm systems and components as required by the Bylaws	R500.00
8	Fails to maintain, service or test a standpipe system as required by the Bylaws	R500.00
9	Permits combustible materials to accumulate in or around buildings or locations that create an undue fire hazard as required by the Bylaws	R1000.00
10	Blocks or wedges open a closure in a fire separation as required by the Bylaws	R500.00
11	Fails to maintain fire separation as required by the Bylaws	R500.00
12	Obscures or obstructs a fire hydrant as required by the Bylaws	R500.00
13	Obscures or obstructs a fire department connection as required by the Bylaws	R500.00
14	Fails to maintain a clear and unobstructed fire lane as required by the Bylaws	R500.00
15	Fails to maintain exit signs as required by the Bylaws	R200.00
16	Fails to maintain emergency lighting as required by the Bylaws	R200.00
17	Fails to post an occupant load sign as required by the Bylaws	R200.00
18	Contravenes any provisions regarding the sale of fireworks as required by this Bylaws	R1000.00
19	Contravenes any of the provisions regarding the discharge of fireworks or pyrotechnics as required by this Bylaw	R1.000.00
20	Fails to obtain an indoor fireworks or pyrotechnics display permit as required by this Bylaw	R1.000.00
21	Fails to obtain a high hazard fireworks display permit as required by this Bylaw	R1.000.00
22	Contravenes any of the provisions relating to smoke alarms as required by this Bylaw	R200.00
23	Contravenes any of the provisions regarding open air fires as required by this Bylaw	R200.00
24	Contravenes any of the provisions relating to fire pits and outdoor fireplaces as	R200.00



	required by this Bylaw	
25	Contravenes any other provisions to this Bylaw not covered by the offences and fines as set out above	R200.00

**Notice No: 46**

**PROVINCIAL NOTICE 46 OF 2019**

terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the By-laws relating to the cleaning services/solid waste management by laws for the Thaba Chweu Local Municipality as approved and adopted by Council on 28 February 2018 under Resolution No. A13/2018

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**THABA CHWEU LOCAL MUNICIPALITY****CLEANING SERVICES/SOLID WASTE MANAGEMENT BY LAWS****CHAPTER 1  
INTERPRETATION AND FUNDAMENTAL PRINCIPLES****Purpose of these By-laws**

1. The purpose of these By-laws is to enable Council to provide adequate waste management services; to protect the environment and promote sustainable development; to protect and promote the long-term health and well-being of people in the Municipal jurisdiction by –
  - (a) Providing in conjunction with any other applicable law, an effective legal and administrative framework within which the Council can manage and regulate waste handling, collection, storage, treatment, transportation and disposal;
  - (b) Define the rights and obligations of the Council and the public in relation to this purpose.

**Definitions**

2. For the purposes of these By-laws, unless the context otherwise indicates

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

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

**“approved”** means approved by the Council with regard to the fitness and also to the reasonable requirements of the particular case from the point of view of public health, storage, refuse removal or refuse disposal.

**“authorised official”** means any official of the Council who has been authorized by the Council to administer, implement and enforce the provision of these By-laws;

**“bin”** means a standard type of refuse bin or container as approved by the Municipality.

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

**“builders waste”** means waste generated by demolition, excavation or building activities on premises; and includes building rubble, earth, vegetation and rock displaced during construction, alteration, repair or demolition.

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

**“bulk waste (also bulky waste)”** means waste generated on any premises, but which by virtue of its mass, shape, size and quantity cannot be removed in a standard refuse bin, a refuse bin liner or a mass waste container and includes stumps and braches, small building rubble, garden waste, special domestic waste (and excludes noxious waste, industrial waste, special industrial waste, infectious waste, hazardous waste and medical waste).

**“bulk volume mass waste container”** means a waste container with a capacity of 4.3 cubic meter and more, which may be used for the removal of bulky waste.

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

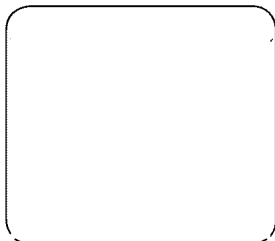
**“charges”** also means a tariff, which is an amount levied for the removal of any waste in terms of these regulations and of which the amount is determined by Council in each financial year.

**“Council”** means –

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

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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) except for the purpose of Chapters 6 and 8, a service provider appointed / contracted fulfilling a responsibility under these By-laws, assigned to it in terms of section 81(2) of the Systems Act, 2000, or any other law, as the case may be.

**“designated officer”** means a person in the employ of the Municipality authorized to perform the functions pertaining to this By-laws.

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

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

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

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

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

**“ garden waste”** means waste which is generated as a result of normal gardening activities such as grass cutting, small branches that can fit into a plastic bag or material bag, small stones, leaves, plants and flowers;

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

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

**“hazardous waste”** means waste, other than radioactive waste, which is legally defined as hazardous in the state in which it is generated, transported or disposed of. The definition is based on chemical reactivity or toxic, explosive, corrosive or other characteristics which cause, or are likely to cause, danger to health or to the environment, whether alone or in contact with other waste;

**“hazardous waste”** means waste as defined in the DWAF Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste as waste that has the potential, even in low concentrations, to have a significant adverse effect on public health and the environment because of its inherent toxicological, chemical and physical characteristics, whether alone or in contact with other waste;

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

**“industrial waste”** means waste generated as a result of manufacturing, maintenance, fabricating, dismantling, mining and related activities (and excluding noxious waste, builders waste, business waste, special industrial waste, domestic waste, medical waste, infectious waste, hazardous waste, and domestic waste);

**“infectious waste”** means all waste which is capable of causing an infectious disease;

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

**“livestock”** means the same as animals.

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

**“medical waste”** means waste emanating primarily from human and veterinary hospitals, clinics and surgeries, also from chemists, sanitary services and which include mortuaries and funeral undertakers. They may comprise of sharps (used hypodermic needles and scalpel blades), pathological waste (body parts, human tissue), blood and body fluids, microbiological waste, surgical waste (soiled bandages, liners, dressings, gloves), and spent or outdated medicines or drugs;

**“municipality”** means the Thaba Chweu Local Municipality, and has the same meaning as Council;

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

**“noxious waste”** means waste which is toxic, hazardous, injurious or harmful and which is detrimental to the environment;

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

**“occupier (also occupant)”** means including any person, in actual occupation of land or premises without regard to the title under which he occupies, and, in the case of premises subdivided and let to lodgers or various tenants, shall include the person receiving the rent payable by the lodgers or tenants whether on his own account or as agent for any person entitled thereto or interested therein and in the case of an unoccupied premises the owner/ owners;

**“Owner”** means the person in whose name the deed is registered and include, in terms of the Sectional Title Register opened in terms of section 5 of the Sectional Titles Act, 1971, the body corporate, as defined in the Act, in relation to such premises.

**“permit holder”** means the person to whom the permit has been issued by the Council or Environmental Health Practitioner in terms of these by-laws;

**“person in control”** means the person actually managing or actually in control of the premises, or the animals, or a contractor working on a premises.

**“pet”** means any domestic or other animal that may be lawfully kept as a pet and includes any bird and non-poisonous reptile; and includes any body parts, blood, tissue or skin derived from such an animal.

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

**“public place”** shall include any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, foot-path sidewalk, lane, square, open space, garden, park, enclosed space vested in a town or city, provided that for the purpose of by-laws regulating traffic under the Road Traffic Act the expression

**“public place”** includes any road, place or thoroughfare however created which is in the undisturbed use of the public or which the public have the right to use;

**“public space”** has the same meaning as public place;

**“reclaimer”** means any person who remove selected components from the general waste stream, for re-use or for the purpose of generating an income from the selling of the components; and excludes re-cycling at source.

**“recycling”** means the removal of selected components from the general waste stream, either mechanically or by hand, for re-use after re-processing.

**"refuse"** means any household, business, light industrial and garden waste, ash, paper, plastic bags, bottles, tins, or dead animals as approved by Council, and also has the same meaning as waste.

**"refuse area"** means an area that complies with the requirements as provided by the Council;

**"refuse bin/container"** means a container as approved by the Manger and Community Services and of which the amount, size and type can be determined by Council and which can be supplied at a fixed tariff or at current tariffs or a rental tariff or in any other way as determined.

**"registered service provider"** means a service provider, registered with the relevant authorities in terms of the relevant legislation, and who is in possession of a license and/or permit with regards to the collection, treatment, transportation and disposal of hazardous waste, special industrial, medical waste and infectious waste; and/or a service provider registered with the Council with regards to the collection, transportation and disposal of domestic waste, garden waste, business waste and all other waste; excluding hazardous waste, special industrial waste, medical waste and infectious waste.

**"SANS Codes"** means the South African National Standards Codes of Practice or the South African Bureau of Standards Codes of Practice as contemplated in Government Notice No. 1373 published in Government Gazette 24002, dated 8 November 2002 in terms of the Standards Act, 1993 (Act No. 29 of 1993).

**"service"** means a waste removal service (in respect of waste whether solid or liquid), which in the opinion of the Municipal Manager is rendered or can be rendered on a regular basis.

**"solid waste landfill site"** means premises or an area specifically set aside for the disposal of waste and which has been accepted by Council, and which has been registered in accordance with the Environmental Conservation Act, 1989 (Act No. 73 of 1989) as amended and other appropriate legislation or requirements;

**"special domestic waste "** means waste discarded from premises used for domestic purposes and which cannot by virtue of its mass, shape or size be conveniently stored in a bin;

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

**"street"** includes any street, road or thoroughfare shown on the general plan of a township, agricultural holding or other division of land or in respect of which the public have acquire a prescriptive or other right of way, or any other word or

expression to which a meaning has been assigned in the Road Traffic Act, 1989(Act 29 of 1989), shall have that meaning;

**"tariff"** means an amount levied for the removal of any waste in terms of these regulations and of which the amount is determined by Council in each financial year;

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

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

**"waste"** also known as general waste and refuse has the same meaning and is any substance that is discharged, emitted deposited, discarded, rejected, unwanted, surplus or an abandoned substance, which may be gaseous, liquid, solid or a combination thereof; and because of its composition and characteristic, pose a significant threat to public health and/or environment. General waste may have insignificant quantities of hazardous substances dispersed within it, for example batteries, insecticides, weed killers and medical waste discarded on domestic and commercial premises.

## CHAPTER 2

### COLLECTION AND REMOVAL OF BUSINESS AND DOMESTIC WASTE

#### Duties and Powers of the Municipality

3. (1) The Municipality as the primary service provider in the municipality has a duty to the local community to progressively ensure efficient, affordable, economical and sustainable access to waste management services in its area or part of its area of jurisdiction; at intervals determined by Council.
- (2) This duty is subject to –
  - (a) the duty of members of the local community as users of the municipality's waste management services or any other person making use of the municipality's waste management services to pay, for the provision of the services, the prescribed charges, which must be priced in accordance with any nationally prescribed norms and standards for rates and tariffs; and
  - (b) the right of the municipality to differentiate between geographical areas when providing types of waste

management services, without compromising on service equity in line with the Constitution.

- (3) The municipality must as far as is reasonably possible and subject to the provisions of these By-laws, at a cost to users of the services prescribed by the municipality –
  - (a) provide services for the collection and removal of business and domestic waste, and may render a services for the removal of garden waste, bulk garden waste and building waste from a premises at the prescribed tariffs.
  - (b) provide for the collection of waste on a regular basis, except waste in its area of jurisdiction, which is situated at a place which is so isolated or inaccessible that the cost of collecting it would be unreasonably high; and
  - (c) provide access to facilities for the recovery and disposal of waste
- (4) Waste shall be removed according to a program approved by the Municipality, taking into consideration the availability of resources.
- (5) The municipality reserves the right to appoint a service provider for the purpose of any service(s) that must be provided pertaining to this By-law.
- (6) The Council reserves the right to determine the level of service(s) and requirements regarding any contract signed with a service provider with regards to any service(s) as contemplated in this By-law, and may terminate any signed contract in this regard when the level of service(s) that is rendered by a service provider is not to the satisfaction of the Council or as stipulated in the signed contract.

### **Duties and Responsibilities of Waste Generators**

4.
  - (1) The occupier/s and or owner/s of premises on which business or domestic waste is generated must make use of the Council's services for the collection and removal of such waste, except where special exemption is granted.
  - (2) The owner/s and or occupier/s of premises on which business or domestic waste is generated, shall be liable individually or jointly to pay the Council for all levies or tariffs in respect of the collection, removal and disposal of business and domestic waste from such premises and all levies payable to the Council must be paid with

the understanding that where the Council renders a service whether the service is used or not the owner/s and or occupiers/s shall still be responsible for payment of the applicable levies jointly or individually.

- (3) The owner/s and or occupier/s in respect of individual premises on premises held on the Sectional Title Register opened in terms of section 5 of the Sectional Titles Act, 1986, on which business or domestic waste is generated shall be liable individually to the Council for the levies charged in respect of the collection, removal and disposal of business or domestic waste from such premises and all levies payable to the Council must be paid with the understanding that where the Council renders a service whether the service is used or not the owner/s and or occupier/s still be responsible for payment of the applicable levies, jointly or individually.

### **Right of Entry to Business, Industrial and Institutional Premises**

5. (1) Where the Council provides a waste collection service, the owner/s and/or occupier of the premises shall grant the Council access to the premises for the purpose of collecting and removing waste and shall ensure that nothing obstructs, prevents or hinders the Council in the carrying out of its services.
- (2) Where, in the opinion of the Council the collection or removal of waste from any premises is likely to result in damage to the premises or the Council's property, or injury to the waste collectors or any other person, if any, as a condition of rendering a waste collection service in respect of the premises, require the owner/s or occupier/s to indemnify the Council in writing in respect of any such damage or injury or any claims arising out of either.
- (3) Any duly authorized employee of the municipality is entitled to enter, during normal working hours, premises in respect of which the municipality's waste management services are rendered –
- (a) for collecting and superintending the collection of waste;
  - (b) for inspecting or replacing receptacles, containers or bundles;



- (c) inspecting the means of access to the premises in general or the place where waste receptacles or containers are kept so as to ensure that they are accessible and convenient for the collectors; and
  - (d) generally for ensuring that the provisions of these By-laws are complied with.
- (4) An occupier of premises may not –
  - (a) refuse access to the premises to an authorized employee of the municipality in the performance of his or her duties;
  - (b) obstruct or impede such employee in the performance of his or her duties; or
  - (c) omit or refuse to give to an employee of the municipality any information lawfully required for the proper discharge of the employee's duties, or supply false information.
- (5) The occupier of premises whom the municipality has notified that the premises are dangerous for removal of waste because of –
  - (a) the existence on the premises of a vicious animal; or
  - (b) any other reason which renders the premises dangerous, must, on the day on which waste is collected from the premises, place for collection all refuse bins or other containers, packages or bundles of waste outside the premises at a time and for a period as specified in the notice.
- (6) A person who contravenes a provision of section 5 commits an offence and will be liable to a fine.

## **6. Right of Entry to Residential Premises**

- (1) Where the council has to enter residential premises for generally ensuring that the provisions of these By-laws are complied with, the owner/s and or occupier/s of the premises shall grant the council access to the premises for this purpose [Read together with Section 9(1)].

## **7. Interference with a refuse bin**

- (1) No person other than a person employed by the municipality in connection with the municipality's waste management services may, where a refuse bin is placed in a street or public place for the purpose of its contents being removed by the municipality, sort over, interfere with or disturb the contents of the receptacle.
- (2) A person who contravenes a provision of subsection 1 commits an offence and will be liable to a fine.

## **8. Transport of waste**

- (1) A person removing or conveying waste along any public road, public place in or through an area owned or managed by the municipality –
  - (a) must ensure that the receptacle, vehicle or conveyance in which the waste is carried is of a type and design approved by the municipality;
  - (b) must ensure that refuse bin, vehicle or conveyance has a body of adequate size and construction for the type of waste being transported;
  - (c) must remove or convey the waste in such a manner as will prevent any nuisance resulting there from or the escape of the contents or materials therein;
  - (d) must maintain the refuse bin, vehicle or conveyance in a clean, sanitary and roadworthy condition at all times;
  - (e) may not cause or permit any waste being transported to become detached, leak or fall from the refuse bin, vehicle or conveyance transporting it, except at a waste disposal facility; and
  - (f) must ensure that the waste is deposited at a waste disposal facility that is approved to accept such waste.
- (3) A person who contravenes a provision of subsection 1 commits an offence and will be liable to a fine.

## **9. Notice to Council**

- (1) The occupier or owner or in the case of more than one, the occupiers and owners of a premises, on which business waste or domestic waste is generated, shall within seven days after the commencement of the generation of such waste notify the Council in writing-
  - (a) that the premises is being occupied; and
  - (b) whether business waste or domestic waste is being generated on the premises.

## **10. Provision of refuse bins**

- (1) After notification in terms of section 9, the Council shall after investigation, determine the number of approved refuse bins/containers required on such premises.
- (2) The municipality may, where necessary, prescribe the type, size and number of refuse bins to be provided on a premises and may

by written notice require the occupier / owner/ generator to comply with the notice.

- (4) The owner/s, occupier/s or generators of a premises shall be responsible at his or her own expense a sufficient number of portable, covered refuse bins of a size, design and in such a state as approved by the municipality for the storage of the maximum quantity of waste that is likely to accumulate on the premises during any period of seven days; or as required by the Council from time to time.
- (5) The Council may by Council resolution, issue refuse bins free of charge to any registered owner/s or occupier/s of a stand, or a specific ward.
- (6) The Council may issue refuse bins free of charge to any business, school or non-profit organization initially and thereafter the business, school or non-profit organization will be liable for the replacement cost should any loss or damage occur.
- (7) The Council may notify the occupier/s or owner/s of the premises to provide refuse bins of a type, size, amount and place it at an prescribed location; and should the occupier fail to do so in the time specified in the notice, provide refuse bins and debt the municipal account of the occupier for the amount thereof.
- (8) The Council may deliver a predetermined number and type of refuse bin/s in terms of section 10(1), to an owner/s or occupiers of a business premises where business waste is generated and stored, and the cost incurred be for the account of the relevant business owner/s
- (9) The Council may deliver mass waste container/s to premises if, having regard to the quantity of waste generated on the premises concern, the suitability of such waste for storage in containers, and the accessibility and adequacy of the space provided by the owner/s and or occupier/s of the premises to the waste collection vehicles, and it considers mass waste containers more appropriate than standard waste containers for the storage of the waste.
- (10) The municipality reserves the right to determine the size and type of refuse bins to be used.

### **Placing of refuse bins**

- 11. (1) The occupier/s or owner/s of premises shall provide a waste area with sufficient space and adequate size at an approved place on the premises and any other facilities considered necessary by the

municipality on the premises for the storage of the bins/containers.

- (2) The space provided in terms of subsection (1), shall-
  - (a) be in such a position on the premises as will allow the storage of refuse bins/containers without them being visible from a street, a public place, or any other premises except if determined otherwise by Council;
  - (b) where business waste is generated on the premises, be in such a position as will allow the collection and removal of such waste by the Council's employees without hindrance;
  - (c) with regards to business refuse bins/container be so located as to permit convenient access to and egress from such space for the Council's refuse collection vehicles;
  - (d) be kept in clean, neat and hygienic conditions and be free of rodent and vector infestations.
  - (e) with regards to business refuse bins/containers, be sufficient to house all waste, including the materials and any containers used in sorting and storage of the refuse contemplated in section 11(1) and 13(7).
- (3) No refuse bins must be placed at a location where it may cause a nuisance or hindrance to either the public or occupiers of adjacent premises.
- (4) The owner/s or occupier/s of a residential premise shall put out all domestic waste on the day of removal as determined by the Council, in either a properly closed plastic refuse bin liner or in an approved refuse bin. The use of refuse bin plastic liners and/or approved refuse bins, which can be placed depending on the quantity and composition of the waste as well as the refuse removal equipment available in a specific area to remove the waste. The plastic refuse bin liner and or approved refuse bin must be placed on the outside of the premises next to the street boundary near the entrance or driveway entrance, only on the day of removal.
- (5) If required by the Council, the place of collection shall be located as to permit convenient access to and exit from such space for the Municipal refuse collection vehicles.
- (6) A sufficient approved area shall be provided to keep a special refuse bin for the storage of waste as described in section 12(1)

- (a), apart from the space necessary for the storage of waste not kept in a special refuse bin.
- (7) The Council may at its discretion, indicate a position from where the waste may be removed more conveniently.
- (8) Notwithstanding anything to the contrary, the Council may-
  - (a) in the event of the Council, in its opinion, being unable to collect and remove business waste from the space provided in terms of subsection (1), and having regard to the avoidance of nuisance and the convenience of collection of waste, indicate a position within or outside the premises where the bin liners shall be placed for the collection and removal of such waste and bin liners shall then be placed in such position at such times and for such periods as the Council may prescribe.

## **12. Use and care of refuse bins and bin liners**

- (1) Every occupier/s or owner/s of premises, shall ensure that-
  - (a) all domestic or business waste generated on the premises, except where bulk containers are being used, is placed and kept in either a plastic refuse bin liner/s or refuse bin/s, whereby the use of plastic bin liners or approved refuse bins shall be determined by Council from time to time, for the removal by the Council: Provided that the provision of this subsection shall not prevent any occupier, or owner, as the case may be, who has obtained the Council's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper glass, or otherwise disposing of any swill corrugated cardboard, paper glass, or other material being an element of business waste, for recycling in a manufacturing process, or in the case of swill, for consumption;
  - (b) no hot coal ash, unwrapped glass or other business or domestic waste, which may cause damage to refuse bin liners, refuse bins/ containers, or waste collection vehicles or equipment; or which may cause injury to the Council's employees while carrying out their duties in terms of these regulations, is placed in refuse bin plastic liners or an approved refuse bin before he has taken such steps as may be necessary to avoid such damage or injury.

- (c) no material, including any liquid which, by reason of its mass or other characteristics, is likely to render such bin liners or refuse bins/containers unreasonably difficult for the Municipal employees to handle or carry, is placed in such bin liners or refuse bin;
  - (d) every refuse bin/container on the premises is covered; except when waste is being deposited therein or discharged thereof, and that every refuse bin/container is kept in a clean and hygienic condition;
  - (e) refuse bin liners or refuse bins/containers, which are put out on the day of removal, is properly tied up or closed and that the content thereof cannot pollute the environment.
  - (f) refuse bins are not broken or damaged in such a way that it may cause spilling of waste; or may cause injury to any person or Council employee.
- (2) No refuse bin/container may be used for any purpose other than the storage of business, industrial or domestic waste and no fire shall be lit in such refuse bin/ container.
- (3) The bin liners or refuse bins/ containers shall be removed or emptied by the municipality, at such intervals as the Council may deem necessary, only if such bin liners or refuse bins/ containers are placed at the prescribed places as provided for in section 11.
- (4) The owner/s and or occupier/s of a premises to which refuse bins/containers were delivered in terms of section 10(4), 10(5), 10(7) and 10(8), shall be liable to the Council for the loss thereof and for all damage caused thereto except for such loss or damage as may be caused by the employees of the Council.
- (5) The owner/s and/or occupier/s of a premises which contravenes the provisions of sub-section 12(b) and 12(f), shall be liable to the Council for the damage to equipment or injury of municipal employees in performing their duties.

### **Compaction of waste**

13. (1) Should the quantity of business waste generated on premises be such as to require the daily removal of more than the equivalent of a mass waste container and should, in the opinion of the Council, the major portion of such waste be compactable, or should the owner/s and or occupier/s of premises wish to compact any volume of such waste, such owner/s and occupier/s shall compact that portion of such waste that is compactable and shall put it into an approved container or wrapper, and the provision of section 10

shall not apply to such compactable waste, but shall apply to all other waste.

- (2) The capacity of the wrapper mentioned in subsection (1) shall not exceed 85 liters and the mass of the wrapper and contents shall not exceed 35 kilograms.
- (3) After the waste, treated as contemplated in subsection (1), has been put into the wrapper, it shall be placed in the refuse container or other approved container and shall be stored so as to prevent damage to the wrapper or any nuisance arising until collected.
- (4) The containers or wrappers mentioned in subsection (1) shall be supplied by the owner/s and or occupier/s of the relevant premises.
- (5) Any container used in terms of subsection (1) shall be collected, emptied and returned to the premises by the Council at such intervals, as it may deem necessary.
- (6) The owner/s and or occupiers/s of the premises shall prepare the container for collection and reconnect it to the compaction equipment forthwith after its return by the Council to the premises.
- (7) The provisions of this section shall not prevent any owner/s or occupier/s of premises who has obtained the Council's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material for recycling in a manufacturing process or, in the case of swill, for consumption.

### **CHAPTER 3**

#### **STREET REFUSE BINS**

##### **14. Use of street refuse bins**

- (1) A street refuse bin is solely for the use of pedestrians. No person/s may dispose or cause any domestic or business waste to be disposed in a street refuse bin.
- (2) A person contravening the provision of subsection (1) is committing an offence and will be liable to a fine.

##### **15. Damaging of street refuse bins and other refuse equipment**

- (1) No person shall –
  - (a) damage or cause a street refuse bin or other refuse equipment to be damaged,

- (b) put any unauthorized stickers or advertisement on any Council street refuse bin or equipment without prior written consent of the Council.
- (2) It is the responsibility of the person, or in the case of an organization, association, business, or any other institution, the responsible person, who has put any sticker or advertisement on a Council street refuse bin or other refuse equipment, to remove such sticker/s or advertisement to the satisfaction of the Council and shall be liable for the costs involved.
- (3) If a person, association, organization, business or any other institution has contravened the provisions as contemplated in subsection (1) and (2), the Council shall repair or replace the damaged street refuse bin(s) or remove such sticker(s) or advertisements to the satisfaction of the Council and the responsible person shall be liable for the costs involved.
- (4) If it can be proved that a person, association, organization, business or any other institution has damaged a Council street refuse bin or equipment, or has put any sticker or advertisement on such a bin or equipment without prior consent of the Council, the person, organization, association, business or any other institution shall be responsible for the costs involved for the repairs or replacement of bins or equipment which are necessary on the street refuse bin or refuse equipment.
- (5) A person contravening the provision of section 15, in addition to cost involved, will be guilty of an offence and will be liable to a fine

#### **16. Private street refuse bins**

- (1) No person or company shall place any private street refuse bin within the Council's jurisdiction, without the prior written approval of the Council.
- (2) Should approval be granted, the Council shall, in consultation with the person or company determine the position(s) where Private Street refuse bins may be placed.
- (3) A person contravening any provisions of subsection (1) is committing an offence and is liable to a fine.

#### **17. Placing of street refuse bins**

- (1) The Council shall determine the number, type and position of any Council refuse bin or private street refuse bin within the Municipality.



- (2) No person shall remove, replace or shift any Council or private street refuse bin without the prior approval of the Council.
- (3) The Council reserves the right to remove or shift any Council or private street refuse bins at any time.
- (4) The Council reserves the right to request the removal and/or replacement of any damaged, dilapidated or unsightly private street refuse bins.
- (5) A person contravening any provisions of subsection (2) is committing an offence and is liable to a fine

## **CHAPTER 4**

### **GARDEN, SPECIAL DOMESTIC AND BULKY WASTE**

#### **18. Removal and disposal of garden, special domestic and bulky waste**

- (1) Owner/s and or occupier/s of premises on which garden, special domestic or bulky waste is generated, shall ensure that such waste is disposed of in terms of this chapter within a time considered reasonable by the Council after the generation thereof. Provided that garden waste may be retained on the premises in a manner approved by Council for the making of compost.
- (2) Any person may operate a garden waste removal service. Where the Council provides such a service, it shall be done at the tariff charge and the Council's container service must be requested.
- (3) Any person may remove and dispose of garden, special domestic or bulky waste: Provided that once it has been removed, either free of charge or at a prescribed tariff as determined by Council, from the premises on which it was generated, it is deposited on a Council approved solid waste landfill site or transfer station.
- (4) The municipality may by notice at any time limit the amount of garden waste collected by the municipality from households in conjunction with the normal collection of domestic waste; and may impose tariffs for removing the excess garden waste that was not removed during the normal collection of domestic waste.
- (6) An occupier may compost garden waste on the property, provided that such composting does not cause a nuisance and provided that the quantity of the compost does not exceed the quantity that could be required for gardening purposes on the premises where it is composted.

- (7) A person who contravenes the requirement in terms of this section is committing an offence.

## **19. Special service rendered by Council**

19. (1) At the request of the owner or any occupier of any premises, the Council may remove garden, special domestic and bulky waste from a premises, provided that the Council is able to do so with its waste removal equipment. All such waste shall be placed within 3 meters of the boundary loading point, but not on the sidewalk. The cost of this service will be the same as the tariff charged when a bulk-volume-mass-waste container/s were requested or at such tariffs that the Council may approve from time to time.
- (2) The Council shall, depending on the availability of the Council's own purpose made bulk-volume-mass-waste containers for the removal of garden, special domestic, small volume builders waste and bulky waste, let a bulk-volume-mass-waste container at a tariff and conditions predetermined by Council from time to time, to any owner or occupier;
- (3) The Council shall deliver the bulk-volume-mass-waste containers mentioned in subsection (2) on the outside of the premises next to the street boundary near the entrance or driveway entrance, in accordance with all road traffic and safety legislation.
- (4) The Council may place a bulk-volume-mass-waste container/s in any predetermined area or public space to be used free of charge by the community, in which any waste may be deposited.
- (5) The Council shall deliver or place the bulk-volume-mass-waste container mentioned in subsection (4) in accordance with all road traffic and safety legislation and no person shall remove or move such a container from the position where the Council has placed it.
- (6) The Council shall not be liable for the loss or for any damage to private property, which is caused on or in private property, due to the delivery of a bulk-volume-mass-waste container mentioned in subsection (2).
- (7) A person contravening any provisions of subsection (5) is committing an offence and is liable to a fine

## **CHAPTER 5**

### **BUILDERS WASTE**

#### **Responsibility for builders waste**

20. (1) The owner/s and or occupier/s of premises on which builders waste is generated and the person engaged in the activity which causes such waste to be generated, shall ensure that such waste be disposed of in terms of section 21 within a time determined by Council after the generation thereof.
- (2) Any person may operate a builders waste removal service. Should the Council provide such a service, it shall be done at the tariff charge and the Council's container service shall be requested.
- (3) No person shall, subject to any provisions to the contrary in these By-laws contained –
- (a) leave any builders waste or allow any under his control to be left at a place, other than a solid waste landfill site or transfer station, with the intention of abandoning it;
  - (b) store or leave builders waste or allow any under his control to be left on any open space or any property which is not registered in his name;
  - (c) store or leave builders waste or allow any under his control to be stored or left on any property for a period exceeding 30 days after completion of the building project; except when prior written consent was obtained from the municipality.
- (4) If it has been proved that such person left or allowed builders waste to be at a place of which he is not owner or occupier he shall be deemed to have contravened the provisions of subsection (1), unless and until he proves the contrary.
- (5) Any person who contravenes the provisions of subsection (1) or (3) shall be guilty of an offence and shall be instructed by Council to remove the abandoned or stored builders waste within a specified period of time and failing to do so be liable to a fine.

#### **Disposal of builders waste**

21. (1) Subject to the provision of subsection (2), all builders' waste shall be deposited at a solid waste landfill site or transfer station approved by Council.

- (2) For the purpose of reclamation of land, builders waste may with the written consent of the Council, be deposited at a place other than a solid waste landfill site approved by the Council.
- (3) Any consent given in terms of subsection (2) shall be subjected to such conditions as the Council may deem necessary: Provide that in giving or refusing its consent or in laying down conditions the Council shall have regard to the following:
  - (a) public safety;
  - (b) the environment of the proposed disposal site;
  - (c) the suitability of the area including the drainage thereof;
  - (d) the expected manner and times of depositing of waste at the site;
  - (e) the leveling of the site;
  - (f) the control of dust;
  - (g) other relevant factors as may be determined by Council;

## **CHAPTER 6**

### **SPECIAL INDUSTRIAL WASTE AND HAZARDOUS WASTE**

#### **Notification of generation of special industrial waste and hazardous waste**

22. (1) The person engaged in the activity which causes special industrial waste and/or hazardous waste to be generated, shall inform the Council in writing, prior to the generation of such waste, of the composition thereof, the quantity generated, how it is stored, the duration of storage, the frequency of collection, the manner in which it will be collected and disposed of, and the identity of the licensee and/or registered service provider who will collect and remove such waste: Provided that if such waste is being generated as a result of activities which commenced prior to the commencement of these By-laws, the generator must notify the municipality as contemplated in this subsection within 90 days of the commencement of these By-laws.
- (2) If so required by the Council, the notification referred to in subsection (1) shall be substantiated by an analysis certified by a qualified industrial chemist, at the cost of the person engaged in the activity in (1) above.

- (3) The Council or any person authorized by the Council may enter any premises at any reasonable time to ascertain whether special waste and/or hazardous waste is generated on such premises to ascertain its composition.
- (4) Having notified the Council in terms of section (1) above, the person mentioned in section (1) shall notify the Council of any changes with respect to the generation, composition, quantity, storage, method or location of disposal of the special industrial waste and/or hazardous waste occurring thereafter.
- (5) Council has the right to recommend, prescribe and monitor methods regarding all aspects of collection frequency, storage, transport and disposal specifications regarding special industrial waste and hazardous waste.
- (6) A person contravening any provisions of subsection (1) and or (4) is committing an offence and is liable to a fine

### **23. Storing of special industrial waste and/or hazardous waste**

- (1) The person referred to in section 22 (1) shall ensure that the special industrial refuse and /or hazardous waste generated on the premises is kept and stored thereon in terms of this section until it is removed from the premises in terms of section 24.
- (2) Special industrial refuse and/or hazardous waste stored on the premises shall be stored in such a manner that it cannot cause a nuisance, health risk or pollute the environment in accordance with the requirements of any applicable legislation relating thereto.
- (3) Special industrial waste and hazardous waste must be stored in an approved refuse bin or container for a maximum period as prescribed by the relevant legislation and/or permit conditions, taking into consideration the composition of the waste, before collection: Provided that the accumulation of such waste does not cause a nuisance or health risk and do not accumulate to such quantities that it causes a nuisance, obstruction, safety risk or health risk.
- (4) If special industrial waste and/or hazardous waste is not stored in terms of this section on the premises on which it is generated, the Council may order the owner of the premises and the person referred to in section 22(1) to remove such waste within a specific time and if thereafter such waste is not removed within such time, the Council may by itself or through a contract remove it at the expense of the owner.

**Removal of special industrial waste and / or hazardous waste**

24. (1) Only a service provider who complies with the provisions of SANS 0228 or other relevant legislation shall transport special industrial waste or hazardous waste and must do so in accordance with the requirements of the relevant SANS Codes, in respect of the type of vehicle, the markings and manner of construction of such vehicle, procedures for safety and cleanliness, and documentation relating to the source, transportation and disposal of such waste, and subject to the requirements of any other legislation.
- (2) The Council may, in addition to any legislative requirements, lay down conditions in terms of subsection (1). In laying down conditions the Council shall have regard to -
- (a) the composition of the special industrial waste and/ or hazardous waste;
  - (b) the suitability of the vehicle and container to be used;
  - (c) the place where the refuse shall be disposed; and
  - (d) proof to the Council of such disposal.
- (3) The person referred to in section 22(1) shall inform the Council, at such intervals as the Council may stipulate, having regard to the information to be given to the Council in terms of section 22(1), of the removal of special industrial refuse and/or hazardous waste, the identity of the remover, the date of such removal, the quantity and the composition of the special industrial waste and/ or hazardous waste removed as well as the location of the site where the special industrial waste or hazardous waste was treated and/ or disposed.
- (4) Should any person be convicted of contravening the provision of this section, such person shall in addition to any penalty imposed on him, dispose of the special industrial waste or hazardous waste as directed by the Council, or the Council or any approved contractor may dispose of such special industrial or hazardous waste and recover the costs from such person.
- (5) In case of any spillage or illegal dumping of special industrial waste or hazardous waste, such waste must be removed, treated, disposed, the area cleaned and rehabilitated by the generator to the satisfaction of the Council.
- (6) Should the generator fail to comply to the provisions of subsection (5), the Council will undertake to remove, treat, dispose, clean and rehabilitate the area or alternatively appoint a registered service

provider to do so, and the costs will be recovered from the generator and the generator will be liable to a fine.

- (7) A person contravening any provisions of section 24 is committing an offence and is liable to a fine

## **CHAPTER 7**

### **MEDICAL AND INFECTIOUS WASTE**

#### **25. Generation of medical and /or infections waste – notification**

- (1) The person engaged in the activity which causes medical and/or infectious waste to be generated, shall inform the Council of the composition therefore, the quantity generated, the frequency of collection, the manner in which it will be collected and disposed of, and the identity of the licensee and/or registered service provider who will collect and remove such waste: Provided that if such waste is being generated as a result of activities which commenced prior to the commencement of these By-laws, the generator must notify the municipality as contemplated in this subsection within 90 days of the commencement of these By-laws.
- (2) If so required by the Council, the notification referred to in subsection (1) shall be substantiated by an analysis certified by a qualified industrial chemist, at the cost of the person engaged in the activity in (1) above.
- (3) An Environmental Health Practitioner or any person authorized by the Council may enter any premises at any reasonable time to ascertain whether medical and or infectious waste is generated on such a premises.
- (4) Having notified the Council in terms of subsection (1), the person mentioned in subsection (1) shall notify the Council of any changes with respect to the generation, composition, quantity, storage, method or location of disposal occurring thereafter.
- (5) A person contravening any provisions of subsection (1) and or (4) is committing an offence and is liable to a fine.

#### **Storing of medical and/or infectious waste**

26. (1) The person referred to in section 25(1), shall ensure that the medical and or infectious waste generated on the premises is kept and stored thereon in terms of subsection (2) until it is removed from the premises in terms of section 27.

- (2) Medical and/ or infectious waste stored on the premises shall be stored in a medical and/or infectious waste container as prescribed by the applicable legislation, separately from business and /or domestic waste and in such a manner that it cannot cause a nuisance, pose a danger to any person (on the premises),or pollute the environment.
- (3) The containers from medical and/or infectious waste must comply with the following minimum requirements:
  - (a) All infectious waste must be placed at the point of generation into a container as prescribed by relevant legislation and be of the applicable color code for the various forms of medical / infectious waste;
  - (b) The container used for the storage of sharp objects must be constructed of such a material that the object cannot pierce the container. The container must be fitted with a safe and hygienic lid which must be sealed after use;
  - (c) The container used for the removal of other contagious materials has to be manufactured of a material, which will prevent leakage. The container has to be equipped with a safe and hygienic lid, and has to be sealed after utilization; and
  - (d) All containers must be clearly marked with the universal bio-hazardous waste symbol.
- (4) If medical and/or infectious waste is not stored in terms of subsection (1) and (2) on the premises on which it is generated, the Environmental Health Practitioner or a authorized official of Council may order the owner/s or occupier/s of the premises and the person referred to in section 25(1) to remove such waste within a reasonable time and, if thereafter such waste is not removed within such time, the Council may by itself or through any person remove it at the expense of the owner/s and/or occupier/s.
- (5) The person referred to in section 25(1), shall bear all the medical and analysis cost in the event of a needle prick or contamination as a result of medical and or infectious waste added to business – or domestic waste and shall further face criminal charges for this act .
- (6) The Council may remove, or appoint an registered service provider to remove medical waste from a medical waste generator, and all costs incurred will be recovered from the generator.



- (7) Medical or infectious waste must be stored in an approved refuse bin or container and for a period not exceeding 60 days or any other maximum period stipulated by the municipality, before collection: Provided that the waste or quantities of waste does not cause a nuisance or health risk and do not accumulate to such quantities that it causes a nuisance, obstruction, safety risk or health risk.
- (8) A person contravening the provisions of section 26 is committing an offence and will be liable to a fine

### **Removal of medical and/or infectious waste**

27. (1) No private company/ service provider shall remove medical and/ or infectious waste from any premises in the jurisdictional area of the Municipality unless it complies to the provisions of all applicable SANS codes and the relevant legislation.
- (2) Only a service provider that comply to the applicable SANS codes and relevant legislation may transport medical or infectious waste and must do so in accordance with the requirements of the relevant legislation, as well as the relevant SANS Codes, in respect of the type of vehicle, the markings and manner of construction of such vehicle, procedures for safety and cleanliness, and documentation relating to the source, transportation and disposal of such waste, and subject to the requirements of any other legislation.
- (3) The person referred to in section 25 (1) shall inform the Council, at such intervals as the Council may stipulated, having regard to the information to be given to the Council in terms of section 25(1), of the removal of medical and/ or infectious waste, the identity of the remover, date of such removal, the quantity and the composition of the waste as well as the method and location of treatment and/or disposal of the medical or infectious waste.
- (4) No person shall dispose of any medical and/or infectious waste by incineration, unless the incinerator is licensed/permitted by the relevant authority to incinerate such waste at an incinerator complying with all relevant legislation.
- (5) A generator and/or registered service provider must be in possession of proof of safe disposal/destruction certificate after disposing of the medical and infectious waste.
- (6) Should any person be convicted of contravening the provisions of this section, such person shall in addition to any penalty imposed on him, dispose of the medical and/or infectious waste as directed

- by the Council within a specified time, or the Council may appoint a registered service provider to dispose of such medical and/or infectious waste and recover the costs incurred from such person.
- (7) In the case of illegal dumping of medical or infectious waste, such waste must be removed, treated, disposed, the area cleaned and rehabilitated by the generator to the satisfaction of the Council.
  - (8) Should the generator fail to comply to the provisions of subsection (7), the Council will undertake to remove, treat, dispose, clean and rehabilitate the area or alternatively appoint a registered service provider, and the costs will be recovered from the generator and the generator will be liable to a fine.
  - (9) A person contravening the provision of section 27 is committing an offence and will be liable to a fine.

**Provision of medical/infectious waste containers and/or collection services by Council**

28. (1) The Council may provide a service or appoint a service provider for the collection and removal of medical and/or infectious waste from premises at a prescribe tariff. A person engaged in an activity which causes medical and/or infectious waste to be generated, shall then use the Council's service for the collection and removal of all such waste, except in cases where special exemption is granted. The services will be available under the following conditions:
- (a) The medical and/or infectious waste container remains the property of the Council or the service provider.
  - (b) Once the Council or service provider delivers the medical and/or infectious waste container to the user, the onus is placed on the user to ensure the safety of the medical and/or infectious waste container.
  - (c) The user may place no lettering, sign, insignia, advertisement or other devise on the medical and/or infectious waste container.
  - (d) The user must ensure that the medical and/or infectious waste container is stored in a cool, dry and well- ventilated room, with hygienic, clean and neat conditions.
  - (e) The user must ensure that the full medical and or infectious waste container is properly sealed and closed prior to the collection thereof by Council or service provider.

- (f) The user must not overload or overfill the medical and or infectious waste container.
  - (g) The user must ensure that the new container is received and returned in an undamaged condition after usage.
  - (h) The medical and infectious waste container must be used strictly for the purpose of storing the medical/infectious waste for which it has been designed and approved according to the relevant legislation.
  - (i) The user is responsible for ensuring that the containers are used in accordance with paragraph (h). Should it come to light that the user did not place the medical and or infectious waste in the correct container and an incident occurs, the user will be held liable.
  - (j) The user must ensure that any waste product that consists of blood and/or body fluids are placed in a sealed plastic container with plastic lining specially supplied for this purpose to prevent any leakages.
- (2) A person contravening any provisions of section 28 is committing an offence and is liable to a fine.

## **CHAPTER 8**

### **RECYCLING OF WASTE**

#### **Recycling at the source**

29. (1) Any person may recycle waste at the source, either by hand or by a mechanized process.
- (2) If waste is recycled at the source, the owner or occupier must ensure that the recycled waste is clearly identified and separated from the general waste stream.
  - (3) All recycled waste shall be kept or stored in a refuse bin or container, or any other area approved by Council.
  - (4) The occupier/owner of premises where waste is been recycled or stored must ensure that no nuisance occurs on the premises.
  - (5) If a nuisance occurs on any premises where recycled waste is separated, kept, or stored, the Council may instruct the occupier/owner of the premises to remove the recycled waste or take steps to rectify the nuisance, and any costs incurred in

the process of rectifying the nuisance to be for the account of the relevant owner/s and or occupier/s.

### **Recycling at the landfill sites and transfer stations**

30. (1) No person who does, or intends to do recycling at any municipal solid waste landfill site or transfer station, shall do recycling without a permit issued by the Council and/or a signed contract between the re-claimer and the Council.
- (2) Any person authorized/permitted to do recycling at any municipal solid waste landfill site or transfer station, shall ensure that-
- (a) all activities pertaining to recycling of the waste, complies to all conditions that is determined by the permit and/or signed contract by the municipality;
  - (b) the recyclable material is kept neatly together in bundles, bags or containers at an area demarcated by the municipality;
  - (c) any unwanted material he or she has collected is put back into the waste stream, landfill site or transfer station;
  - (d) the immediate area around his recyclable materials is kept in a clean and litter free condition;
  - (e) the recycled material is removed within a specified time as determined by Council;
- (3) No person who is permitted to do recycling at any municipal solid waste landfill site or transfer station, shall –
- (a) interfere with the operations at the landfill site or transfer station;
  - (b) cause a nuisance;
  - (c) cause waste collected for re-cycling purposes to accumulate for a period exceeding 30 days or any such period as may be determined by Council;
  - (d) cause waste collected for re-cycling purposes to accumulate to such quantities that it may cause a nuisance or an obstruction.

- (4) The Council may-
  - (a) draw up and sign a written contract between the Council and any person who intends to recycle or does recycling at any municipal solid waste landfill site or transfer station;
  - (b) issue a permit to any person who intends to recycle or does recycling at any municipal solid waste landfill site or transfer station;
  - (c) levy a monthly fee to all authorized person/s doing recycling at a municipal solid waste landfill site or transfer station;
  - (d) renew a permit annually;
  - (e) withdraw a permit or signed contract at any time;
  - (f) remove any recycled material which is not removed within a specified period of time, or which is causing an obstruction or nuisance;
  - (g) refuse any access to any unauthorized person/s, claiming to do recycling at any municipal solid waste landfill site or transfer station.
- (5) The Council reserves the right to not permit any recycling activities at a municipal solid waste site or transfer station.
- (6) The Council reserves the right to use a service provider for the purpose of recycling at a municipal solid waste dumping site or transfer station.
- (7) A person contravening any provisions of subsection (1), (2) or (3) is committing an offence and is liable to a fine

### **Recycling on private, residential or any other premises**

- 31. (1) No person shall accumulate recycled waste on a residential premises, except for the purpose of recycling waste at source.
- (2) No person shall accumulate recycled waste on a business or industrial premises, except for the purpose of recycling waste at source, without prior written consent of the municipality and a permit issued by the municipality, provided that –
  - (a) the premises is kept in such conditions as prescribed by the municipality;
  - (b) no nuisance is caused;
  - (c) no waste collected for re-cycling purposes may accumulate for a period exceeding 30 days.

- (3) Any person contravening subsection (1) or (2) shall be instructed by the Council or authorized official to remove the refuse within a specified period of time.
- (4) When a person fails to remove the collected waste within the specified period of time, the municipality will take steps to remove the waste and rectify the nuisance, and any costs incurred in the process of removing the waste or rectifying the nuisance will be for the account of the relevant owner/s and or occupier/s.
- (5) Permits for the purpose of recycling on business or industrial stands shall be renewed annually by the municipality.
- (6) Failure to comply to subsection 1 or 2 above shall be an offence and liable to a fine.

## **CHAPTER 9**

### **SOLID WASTE LANDFILL SITES AND TRANSFER STATIONS**

#### **Conduct a solid waste landfill sites and transfer stations**

32. (1) Any person who, for the purpose of disposing waste, enters a landfill site or transfer station controlled by the Council, shall
- (a) enter the landfill site or transfer station only at an authorized entrance;
  - (b) provide the Council with all the particulars required with regard to the composition of the refuse; and
  - (c) follow all instructions issued to him/her with regard to access to the actual disposal point, the place where and the manner in which the refuse should be deposited.
- (2) No person shall –
- (a) dispose of waste at a solid waste disposal site where the disposal of the waste concerned is not permitted;
  - (b) bring intoxicating liquor or narcotic substances onto a solid waste landfill site or transfer station controlled by the Council or enter such facility under the influence of liquor or such substance;
  - (c) enter a solid waste landfill site or transfer station controlled by the Council for any purpose other than the disposal of waste in terms of these By-laws and then only at such times and between such hours as the Council may determine from time to time;

- (d) reside in or around the outside fenced boundaries of the solid waste disposal site or transfer station; and in the case where no fencing exists, in close proximity of the solid waste disposal site or transfer station;
  - (e) light a fire on a solid waste disposal site or transfer station without prior written consent of the person in charge of the municipality.
- (3) The person in charge of a solid waste disposal site or transfer station may at any time require a vehicle or a container on a vehicle brought into the waste disposal facility for the purposes of disposing of waste, to be weighed at a weighbridge.
  - (4) The person in charge of a solid waste disposal site or transfer station or an authorized official may, at a waste disposal facility, inspect the content and nature of waste to be disposed of or processed and may take samples and test any waste found on any vehicle to ascertain its composition.
  - (5) Any person contravening any preceding provisions of this section, may be refused entry or instructed by the person in charge or by an official of the municipality to leave a waste disposal facility and if such person fails or refuses to comply with such instructions, he or she may be removed from such facility by a member of the Traffic Section of the Municipality or the Police Department.
  - (6) The municipality reserves the right to remove any illegal structures from or in close proximity of the waste disposal site.
  - (7) Any person who contravenes subsection (2)(a) or (2)(e) , in addition to a fine, will be liable for all costs reasonably incurred by the municipality in removing or otherwise dealing with the waste concerned or for any damage to property or assets.
  - (8) Any person who contravenes subsection (6) will be liable for all costs reasonable incurred by the municipality in removing or otherwise dealing with the illegal structure.

### **The ownership of waste**

- 33. (1) All waste removed by the Council and all refuse on solid waste landfill site or transfer station controlled by the Council shall be the property and responsibility of the Council and no person who is not duly authorized by the Council to do so, shall removed it or interfere with it.
- (2) Only waste, excluding any hazardous waste, medical or infectious

waste or special industrial waste, which is generated on premises within the Municipal area of jurisdiction, may be disposed of on the solid landfill sites or transfer station/s of the Council.

- (3) The Council shall determine a tariff to be levied at the solid waste landfill site/s or transfer station/s for any generator or person, who brings their own waste to the solid waste landfill site/s or transfer station/s, or who do not make use of the waste removal service of the Council.
- (4) Any person who enters a solid landfill site or transfer station for the purpose of recycling, must be registered at the municipality and in possession of a permit.
- (5) The municipality reserves the right to limit the number of permits to be issued to re-claimers.
- (6) Any person in possession of a permit for recycling must comply with all permit conditions at all times.
- (7) The municipality reserves the right to withdraw a permit at any time or if permit conditions are not adhered to.

#### **Private solid waste landfill site/s**

34. Any person may operate a private solid waste landfill site within the jurisdiction of the Council, provided that-
  - (a) Council has approved the site and operations at the private solid waste landfill site is conducted in accordance to all relevant legislation and other specifications;
  - (b) the site has been approved and permitted under the Environmental Conservation Act, 1989 (Act No. 73 of 1989);
  - (c) regular inspections shall be conducted and should the site not comply with the relevant legislation the approval shall be reconsidered.

### **CHAPTER 10**

#### **LITTERING, DUMPING AND AUXILIARY MATTERS**

##### **Littering**

35. (1) A person shall not –
  - (a) throw, let fall, deposit, or spill or in any way discard, any waste into or onto any public place, farm portion, road, street, vacant stand, stream or watercourse, other than into a refuse container provided for the purpose or onto a solid



waste landfill site or transfer station controlled by the Council;

- (b) sweep any waste into a gutter on a road reserve or any other public place;
- (c) allow any person/s under his control to do any of the acts referred to in paragraphs (a) and (b);

that may interfere with the cleanliness of such street, public place, vacant stand, stream or watercourse, or cause annoyance, danger or accident to persons, animals, vehicles or other traffic using such street.

- (2) For the purpose of this section a person shall be deemed to have allowed the acts referred in subsection (1), a person under his control, unless the contrary is proved.
- (3) Any person contravening subsection (1) shall be instructed by the Council or authorized official to remove the waste within a specified period of time.
- (4) Failure to comply to subsection 34 (3) above shall be committing an offence and liable to a fine.

### **Illegal Dumping**

- 36. (1) No person shall, subject to any provisions to the contrary in these By-laws contained, leave any item or allow any under his control to be left at a place, other than a solid waste landfill site or transfer station, with the intention of abandoning it.
- (2) A person shall not, whether temporary before collection or removal or for the purposes of abandoning the waste –
  - (a) except with the permission of the occupier or of the person or authority having control thereof, dump, accumulate, place, deposit, leave or cause or allow to be dumped, accumulated, placed, deposited or left any waste whatsoever, whether for gain or otherwise, on or in –
    - (i) a public road;
    - (ii) a public place;
    - (iii) any drain, watercourse, flood prone areas, tidal or other water in or abutting on any such road, highway, street, lane, public footway or pavement, roadside or other open space to which the public have access; or
    - (iv) private or municipal land or property.

- (3) If it has been proved that such person left or allowed waste to be at a place of which he is not owner or occupier he shall be deemed to have contravened the provisions of subsection (1) or (2), unless and until he proves the contrary.
- (4) Should a person perform any of the acts referred to in subsection 1 or 2, the municipality may by written notice require –
  - (a) the person directly or indirectly responsible for dumping, accumulating, placing, depositing, or leaving the waste;
  - (b) the owner of the waste, whether or not he is responsible for dumping, accumulating, placing, depositing, or leaving the waste; or
  - (c) the occupier of the land or premises on which the waste was dumped, accumulated, placed, deposited, or left, whether or not he or she is responsible therefore; to remove the waste within the period and any conditions stated in the notice.
- (5) If a person fails to comply with the requirements of a written notice, the municipality may dispose of, destroy or remove the waste and may recover the cost of doing so from the person or persons to whom the notice was issued.
- (6) If waste has been deposited in or on any land in contravention of subsection 1 or 2 –
  - (a) in order to remove or prevent pollution of land, water or air or harm to human health, it is necessary that the waste be forthwith removed or other steps be taken to eliminate or reduce the consequences of the deposit;
  - (b) there is no occupier of the land; or
  - (c) the occupier neither made nor knowingly permitted the deposit of the waste, the municipality may remove the waste from the land or take other steps to eliminate or reduce the consequences of the deposit or, as the case may require, to remove the waste and take those steps, and is entitled to recover the cost incurred by it in removing the waste or taking the steps or both and in disposing of the waste –
    - (i) from the occupier of the land, unless he or she proves that he or she neither made or knowingly caused nor knowingly permitted the deposit of the waste; and
    - (ii) from any person who deposited or knowingly caused or knowingly permitted the deposit of any of the waste.

- (7) Any person who contravenes the provisions of subsection (1) or (2) or in addition to the costs incurred by the Council as contemplated in subsection (5) shall be guilty of an offence and shall be liable to a fine.

### **Abandoned material**

37. Any material, other than a vehicle deemed to have been abandoned in terms of the Road Traffic Act, No. 29 of 1989 (Act 29 of 1989), which taking into consideration the place where it is found, the period it has been lying at such place and the nature and condition of such material is reasonably regarded by Council as having been abandoned, may be removed and disposed of by the Council as it may deem fit and Council may recover the cost from the owner, and/ or the owner will be liable to a penalty.

### **Liability of the responsible person**

38. (1) Where any material has been removed and disposed of by the Council in terms of section 37, the person responsible shall be liable for the costs incurred by the Council and/or levies in respect of such removal and disposal.
- (2) For the purpose of subsection (1) the person responsible shall be –
- (a) The last owner of the material and shall include any person who is entitled to be in possession of the material by virtue of a hire purchase agreement or any agreement of lease at the time when it was abandoned, or put in the place from where it was removed, unless he can prove that he was not concerned with and did not know of the material being abandoned or put in such place; or
  - (b) any person by whom it was put in the place aforesaid; or
  - (c) any person who knowingly permitted the putting of the material in the place aforesaid.

### **Dead animals contaminated food**

39. (1) No person shall, subject to any provisions to the contrary in these By-laws contained, leave, throw or dump, any dead animal or pet under his control on any public place, street corner or vacant stand with the intention of abandoning it.
- (2) No person shall, subject to any provisions to the contrary in these By-laws contained, leave, throw or dump, any dead animal or pet under his control on any solid waste disposal site or transfer station

of the municipality, without prior consent of the Council and under the supervision of the Environmental Health Practitioner.

- (3) If it has been proved that such person left or allowed any dead animal or pet to be at a place of which he is not the owner or occupier he/she shall be deemed to have contravened the provisions of subsection (1), unless and until he proves the contrary.
- (4) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be instructed by Council or an authorized official to remove the abandoned dead animal or pet within a specified period of time, or Council may itself or through an approved service provider remove and dispose the abandoned dead animals or pet and, in addition to a fine, the cost(s) incurred will be recovered from the responsible person.
- (5) Any person who contravenes the provisions of subsection (2) shall be guilty of an offence and Council shall remove and properly dispose of the abandoned dead animal or pet, or Council shall through an approved service provider remove and properly dispose the dead animals or pet and, in addition to a fine, the cost(s) incurred will be recovered from the responsible person.
- (6) The Council may remove or appoint an approved service provider to remove any abandoned dead animal or pet from any premises at a prescribe tariff.

### **Contaminated food**

40. (1) The Council may on request remove any contaminated food from premises at a prescribe tariff after the food is certified unfit for human consumption in terms of the Health Act, 2003 (Act 61 of 2003).
- (2) The owner or Manager of a business, which is in possession of contaminated foodstuffs, may dispose or destroy such foodstuffs himself, only –
  - (a) at an approved solid waste landfill site or transfer station;
  - (b) after the Environmental Health Practitioner and Council has been notified;
  - (c) under the supervision of the Environmental Health Practitioner.
- (3) Following subsection 40(2), the Council reserves the right to levy an applicable tariff for the use of the dumping site.

**Burning of waste**

41. (1) No person shall burn waste except at –
- (a) an authorized incinerator operated by the municipality;
  - (b) an incinerator which is permitted to incinerate such waste according to all relevant legislation which is owned by an institution or private owner;
  - (c) a place designated by the municipality for such purpose.
- (2) A person who contravenes a provision of subsection 1 commits an offence and shall be liable to a penalty.

**CHAPTER 11****GENERAL PROVISIONS****Accumulation of waste**

42. When any category of refuse as defined in Chapter 1 of these regulations accumulates on a premises in such way as to constitute a nuisance or to render it likely that a nuisance may be created thereby, the Council may remove such refuse and the owner shall be liable in respect of such removal and pay the charges thereto.

**Charges**

43. (1) Unless where otherwise provided in these By-laws, the person to whom any services mentioned in these By-laws has been rendered by the Council or a registered service provider shall be liable to the Council for the levies in respect thereof.
- (2) Services rendered by the Council or a registered service provider of the Council in respect of which a monthly charge is prescribed, shall only be discontinued by the Council after receipt of a written notification from the owner or occupier of the premises to which the services are rendered that the generation of domestic or business waste on the premises has ceased or that they no longer require the service.
- (3) Monthly levies shall be payable until receipt by the Council of the notice mentioned in subsection (2), is received.

**Offences and Penalties**

44. (1) Any person who contravenes or fails to comply with any provision of these By-laws, shall be guilty of an offence and shall be liable on conviction to a fine or to community correctional services for a period not exceeding six months, or to both such fine and community correctional service.

**Repeal of By-laws**

45. The by-laws published under Administrator's Notice  
\_\_\_\_\_ of \_\_\_\_\_ are hereby repealed.

**SCHEDULE 1****WASTE INFORMATION SYSTEM: INFORMATION REQUIRED FOR THE REGISTRATION AND PERMITTING OF AUTHORIZED SERVICE PROVIDERS****1. Service provider information:**

- Name of the service provider
- Ownership of the service provider
- Name of contact person
- Tel no of contact person
- Fax no of contact person
- E-mail address of contact person
- Physical address of contact person

**2. Client information:**

- List of names of proposed clients of the service provider
- Name of contact person of proposed clients.
- Tel no of proposed clients.
- Fax no of proposed clients
- E-mail address of proposed clients.
- Physical address of proposed clients.

**3. Information regarding type of waste to be removed:**

- Types of waste to be removed by the service provider.
- Number and types of containers to be used by the service provider.
- Frequency of service to be provided by the service provider.
- Mode of collection to be used by the service provider.

**4. Information regarding waste disposal**

- Waste disposal facilities to be used by the service provider.
- Contact person at the waste disposal facilities to be used by the service provider.
- Tel no of contact person at the waste disposal facilities
- Fax no of contact person at the waste disposal facilities
- e-mail address of contact person at the waste disposal facilities

**5. Recycling**

- Types of material to be reclaimed by means of recycling activities.
- Volumes of each type of material to be recycled.
- Physical address of recycling plant
- Proof of an existing market for material to be reclaimed by means of recycling activities.

## **6. Site Inspection**

A site inspection will be conducted on the premises of the applicant service provider in order to verify the following aspects of the application prior to the permitting of the applicant service provider:

- The availability of a fully equipped compactor vehicle which does not cause pollution of any kind whatsoever;
- A wash schedule for equipment must be included in the application;
- All bulk containers must be numbered and such bulk containers shall not have the same colour as bulk containers used by the Municipality;
- No other container shall have the same colour as the containers used by the Municipality;
- The name of the service provider and its contact details must be displayed on all containers in such a way that it will be visible and readable from a distance of at least 20 metres.
- All vehicles, trailers and containers shall comply with the provisions of the National Road Traffic Act, 1996;
- All bulk containers must be marked with the prescribed reflective tape;
- Any service for the removal of garden waste must transport such garden waste by means of vehicles which are suitable to contain loose volumes without the potential to cause littering along the transportation route;
- The applicant service provider's commitment to job creation and Black Economic Empowerment as well as its track record in Thaba Chweu and with the Municipality, in particular, will be a major consideration in the adjudication of applications for registration or permitting of authorized service providers in terms of the provisions of this by-law.
- All the information required in terms of the abovementioned provisions must be furnished in full and in writing, failing which, the applicant service provider's application shall be disqualified.

## **Notice No: 46**



## PROVINCIAL NOTICE 47 OF 2019



## THABA CHWEU LOCAL MUNICIPALITY



## PARKING METER BY-LAW

The Municipal Manager of the Thaba Chweu Local Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the By-laws relating to the parking meter by-law for the Thaba Chweu Local Municipality as approved and adopted by Council on 28 February 2018 under Resolution No. A13/2018

**PREAMBLE**

In terms of Section 11(3) (m) of the Local Government Municipal Systems Act 2000 (Act 32 of 2000) the Municipality, in exercising its legislative and executive authority and in line with its integrated development plan (IDP) has identified the need to formulate Bylaws relating Parking Meters for its community and to be known as the Thaba Chweu Parking Meter Bylaws.

**Purpose and scope of this Bylaw**

The purpose and scope of this Bylaw is to formulate and promulgate Parking Meter Bylaw which shall control and regulate parking within its area of jurisdiction of the Thaba Chweu Municipality

**INDEX****PART 1 DEFINITION**

1. Definitions

**PART 2 PARKING BAYS AND PARKING METERS**

2. Establishment of metered parking bays and metered parking grounds
3. Parking fees and parking times
4. Operation of parking meters
5. Presumptions on parking and time parked
6. Parking penalties

7. Payment of parking fees, penalties and fines
8. Payment of prescribed fee

### **PART 3 GENERAL**

9. Prohibitions
10. Towing and clamping
11. Car guards
12. Service providers
13. Exemptions
14. The municipality not liable for loss or damage

### **PART 4 OFFENCES AND PENALTIES**

15. Offences and penalties
16. Repeal of Bylaws
17. Short title and commencement

## **PART 1**

### **DEFINITION**

#### **1. DEFINITION**

For the purpose of this By-law, unless the context otherwise indicates –

<b>“the Act”</b>	means the National Road Traffic Act, 1996 (Act No. 93 of 1996); and read with the National Road Amendment Act 64 of 2008;
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<b>“business day”</b>	means Mondays to Fridays, and Saturdays
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<b>“business hours”</b>	means the hours between 08h00 to 17h00 on Mondays to Fridays, and 08h00 to 13h00 on Saturdays, or such other times as may be determined by the Council from time to time;
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<b>“car guard”</b>	means a person who, whether for fixed or agreed remuneration or benefit, or otherwise, offers a service of guarding or protecting one or more vehicles in a demarcated area, or guiding or assisting persons desirous of parking or removing their vehicles from such demarcated area in entering or leaving any parking space or place;
;	
<b>"Council"</b>	means the Thaba Chweu Municipality Council;
<b>"metered parking bay"</b>	means any parking bay on a public road or public place in respect of which a parking meter has been installed or is used; and where the Municipality imposes parking fees;
<b>“metered parking ground”</b>	means a parking ground or any part thereof on a public road or public place in respect of which a parking meter has been installed or is used; and the Municipality imposes parking fees;
<b>"motor vehicle"</b>	means a motor vehicle as defined in the Act;
<b>“Municipality”</b>	means the <b>Thaba Chweu Municipality</b> ;
<b>“parking attendant”</b>	means a person who is authorised to collect parking fees and to issue parking penalties on behalf the Municipality, and who is in possession of a valid appointment card issued by or on behalf of the Municipality;
<b>"parking fee"</b>	means the charge imposed by the Municipality from time to time for parking a motor vehicle on

**“parking meter”**

a metered parking bay or on a metered parking ground;

means a static or hand-held device used for registering, recording and displaying –

- the parking time available at the applicable metered parking bay or metered parking ground;
- the parking fee payable for purchasing parking time at that metered parking bay or metered parking ground; and
- the amount of parking time purchased in respect of a particular motor vehicle,

whether by means of a meter affixed to the device or a parking meter ticket issued by the device, or any other device by which parking time can be recorded;

**“parking penalty”**

means a charge imposed by the Municipality from time to time, and payable to the Municipality, for parking a motor vehicle on a metered parking bay or on a metered parking ground in contravention of this By-law;

**"parking time"**

means the period of time purchased, against payment of the parking fee, for which a motor vehicle may be parked on a metered parking bay or metered parking ground;

<b>“prescribed”</b>	means determined by resolution of the Municipality, and in relation to a fee, means as set out in the tariff policy of the Municipality;
<b>“traffic warden”</b>	means a traffic officer appointed in terms of section 3A of the Act and includes a peace officer, or a parking attendant who has been trained and certified and appointed by the Municipality.

Any term which is defined in the Act, but which is not defined in this By-law, shall have the meaning given to it in the Act.

## **PART 2**

### **PARKING BAYS AND PARKING METERS**

#### **2. ESTABLISHMENT OF METERED PARKING BAYS AND METERED PARKING GROUNDS**

The Municipality may, from time to time -

- (a) Designate by road signs and establish metered parking bays and metered parking grounds; and/or
- (b) Install and operate parking meters for metered parking bays and metered parking grounds; and/or
- (c) Determine parking times applicable to metered parking bays and metered parking grounds; and/or
- (d) Determine and levy parking fees and parking penalties; and

- (e) Collect and recover parking fees and parking penalties..

### **3. PARKING FEES AND PARKING TIMES**

No person may, during business hours, park a motor vehicle on a metered parking bay or metered parking ground, or cause a motor vehicle to be so parked:—

- (a) Without paying the applicable parking fee; or.
- (b) For a period of time which is longer than the parking time purchased in respect of that motor vehicle.

### **4. OPERATION OF PARKING METERS**

Any person parking a motor vehicle or causing any motor vehicle to be parked on any metered parking bay or metered parking ground, during business hours, shall immediately -

- (a) Pay the applicable parking fee to the responsible parking meter attendant;
- (b) If required by the parking meter attendant, enter his or her motor vehicle's registration number and the bay number which the motor vehicle occupies into the parking meter; and
- (c) If the parking meter provides for the issuing of a parking ticket, prominently display the parking ticket on the inside of the motor vehicle, above the dashboard at the bottom of the windscreen in such a manner that it is readable from outside the front windscreen of the motor vehicle, for as long as the motor vehicle is parked on the metered parking bay or metered parking ground.

5. **PRESUMPTIONS ON PARKING AND TIME PARKED**

- 5.1. The passage of time as recorded by a parking meter shall for the purposes of this By-law, and in any proceedings arising out of the enforcement thereof, be deemed to be correct unless and until the contrary be proved.
- 5.2. Where any motor vehicle is found to have been parked in contravention of this By-law, it shall be presumed to have been parked, or caused to have been parked, or allowed to have been parked, by the person in whose name the motor vehicle is registered unless and until the contrary is proved.

6. **PARKING PENALTIES**

- 6.1. Any parking penalty imposed by the Municipality in terms of this By-law –
- (a) Is in the nature of a civil charge; and
  - (b) Is payable to the Municipality, which may retain the penalty.
- 6.2. A parking penalty may be issued by a parking meter attendant or a traffic warden.
- 6.3. If the Municipality imposes a parking penalty and such parking penalty is paid, then the Municipality shall be precluded from bringing any criminal charge against that person in respect of the contravention of this By-law in respect of which the parking penalty is issued.

7. **PAYMENT OF PARKING FEES, PENALTIES AND FINES**

Any parking fee, parking penalty and any other amount due to the Municipality or service provider in terms of this By-law may be paid by any means made available by the Municipality or service provider, including but not limited to payment by cell phone, electronic funds transfer, Easy Pay, Credit Card, Pay by Phone, SMS, Invoice and or any other means including a cash deposit into a nominated bank account.

8. **PAYMENT OF PRESCRIBED FEE**

- 8.1. A person making use of parking ground or parking bay must, where fees have been determined in respect of the parking ground or parking bay, pay the prescribed fee in any way or format prescribed by the Municipality or the service provider.
- 8.2. The Municipality may in respect of parking controlled by the issue of permits, issue at the prescribed fee a permit which entitles the holder for one calendar month or any lesser period stated in the permit to park a vehicle in the allocated bays, if a parking bay is available, at the times stated in the permit.



## **PART 3**

### **GENERAL**

#### **9. PROHIBITIONS**

9.1. No person may –

- (a) Cause or attempt to cause a parking meter to record the passage of time incorrectly;
- (b) Misuse, tamper with, damage or in any way interfere with a parking meter;
- (c) Deface, soil, obliterate or otherwise render less visible or interfere with any mark painted on the roadway, or any legend, sign, or notice affixed or erected for the purpose of this By-law;
- (d) Forge, imitate, deface, mutilate, alter or make any mark upon any ticket issued in terms of this By-law; or
- (e) Hinder or interfere with a parking meter attendant or traffic officer in the performance of his or her duty.

9.2. No person may park a motor vehicle, not being a motor vehicle as defined by the Act, in a metered parking bay or metered parking ground.

9.3. No driver or person in charge of a motor vehicle may park such vehicle or cause it to be parked-

- (a) In a metered parking bay or metered parking ground across any painted line marking the confines of the parking bay or in such a

position that the said motor vehicle is not entirely within the area demarcated;

- (b) In a demarcated parking bay which is already occupied by another motor vehicle;
- (c) In contravention of a road traffic sign; or
- (d) In an area demarcated for commercial loading purposes.
- (e) In an area demarcated for disability parking, unless such person is in possession of a disability permit displayed on the motor vehicle windscreen.

9.4. The person or driver in charge of a motor vehicle shall park such motor vehicle in a metered parking bay or metered parking ground -

- (a) If the metered parking bay or metered parking ground is parallel to the curb or sidewalk of the public road, in such a manner that the motor vehicle is headed in the general direction of the movement of traffic on the side of the road on which the motor vehicle is parked and so that the left-hand wheels of the motor vehicle are substantially parallel to and within 450mm of the left-hand curb: Provided that where, in a one-way street the metered parking bay or metered parking ground is situated on the right-hand side of the road, these provisions shall apply in respect of the right-hand wheels of the motor vehicle and the right-hand curb, respectively; or
- (b) If the metered parking bay or metered parking ground is at an angle to the curb or the sidewalk of a public road, in such manner that the motor vehicle is headed substantially in the general direction of the

movement of traffic on the side of the road on which such motor vehicle is parked.

- 9.5. Where by reason of the length of any motor vehicle, the vehicle cannot be parked wholly within a metered parking bay or metered parking ground, it shall be lawful to park the vehicle by encroaching upon a metered parking bay or metered parking ground adjoining the first-mentioned parking place, and any person so parking shall be liable for payment of parking fees in respect of the parking bays encroached upon.
- 9.6. A traffic warden or parking attendant may, whenever he or she deems it necessary or expedient to do so in the interest of the movement or control of traffic, place a road traffic sign or signs indicating that there shall be no parking at any metered parking bay or metered parking ground, and it shall be unlawful for any person to park or cause or permit to be parked a vehicle in such metered parking bay or metered parking ground while such sign is so displayed.

## 10. **TOWING AND CLAMPING**

- 10.1. The Municipality may, in respect of a motor vehicle parked in contravention of this By-law, and without notice to the owner, driver or any person in control of that motor vehicle –
- (a) Remove or cause the motor vehicle to be removed to a place designated by the Municipality; or
  - (b) Attach or cause to be attached a wheel clamp to the motor vehicle.
- 10.2. The Municipality may charge a fee for the removal and impounding of a motor vehicle, or for the clamping of a motor vehicle, as determined by the Municipality from time to time.

- 10.3. Any motor vehicle towed and impounded in terms of this By-law, or whose wheel is clamped in terms of this By-law, may not be released until such time as the owner has paid the applicable parking fee, the parking penalty and the charge for towing and impounding the vehicle or clamping the motor vehicle, as the case may be.
- 10.4. Any person who claims a motor vehicle that has been impounded in terms of this By-law must produce his or her valid identification document or driver's licence, as well as proof acceptable to the Municipality that he or she is the owner of the motor vehicle concerned.
- 10.5. The Municipality is not liable for any damage caused to a motor vehicle which is towed and impounded or clamped in terms of this By-law.

## 11. **CAR GUARDS**

- 11.1. No person shall operate as a car guard in respect of a metered parking bay or metered parking ground unless that person is in compliance with the Bylaws relating to the control of car guards.
- 11.2. No car guard may interfere with or obstruct a parking meter attendant or traffic officer in the execution of their duties.
- 11.3. Car guards must be neatly dressed with the relevant insignia and authority visibly displayed authorising them to act as car guards.

## 12. **SERVICE PROVIDERS**

The Municipality shall be entitled to appoint a service provider to undertake any

function or obligation, or exercise any power in terms of this By-law on behalf of the Municipality. Without limiting the generality of this provision, the Municipality may appoint a service provider to supply parking meter attendants, to operate parking meters, to issue parking penalties and to recover parking fees, parking penalties and any other amount due to the Municipality in terms of this By-law.

### 13. **EXEMPTIONS**

Notwithstanding anything contained in this By-law, the following persons are exempt from the payment of parking fees:

- (a) The drivers of fire-fighting vehicles, emergency rescue vehicles or ambulances whilst those vehicles are being used for the purpose of fire-fighting, emergency rescue or a medical emergency, as the case may be;
- (b) Traffic officers engaged in the performance of their duties;
- (c) The drivers of motor vehicle engaged in essential services;
- (d) The drivers of motor vehicles which are the property of the Council or motor vehicles used by an official or councillor of the Municipality in his or her official capacity, provided that an official badge, designed and approved of by the Municipality, is displayed in a prominent place on the motor vehicle; and
- (e) The drivers of motor vehicles being driven by or used to convey a person with a permanent physical disability or mobility impairment provided that an appropriate disability permit is displayed in a prominent place on the

motor vehicle.

14. **THE MUNICIPALITY NOT LIABLE FOR LOSS OR DAMAGE**

The Municipality is not liable for the loss of or damage howsoever caused, to any vehicle or person or any accessories or contents of a vehicle which has been parked in a parking ground.

**PART 4**

**OFFENCES AND PENALTIES**

15. **OFFENCES AND PENALTIES**

Any person who -

- (a) contravenes any provision of these bylaws or fails to comply with any condition imposed in terms thereof; or
- (b) threatens, resists, interferes with or obstructs, any Council employee in the performance of his or her duties or functions in terms of these bylaws or any other law; or
- (c) deliberately or negligently furnishes false or misleading information to any authorised officer or any Council employee:

shall be guilty of an offence, and liable upon conviction, to a fine of R1.000.00 or to imprisonment for a period as determined by the relevant competent Court.

16. **SHORT TITLE AND COMMENCEMENT**

This By-law shall be called the Parking Meter By-laws, and shall come into operation on the date of publication in the Gazette.

**Notice No: 46**

**PROVINCIAL NOTICE 48 OF 2019****BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE****THABA CHWEU LOCAL MUNICIPAL AREA**

The Municipal Manager of the Thaba Chweu Local Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the By-laws relating to the Impoundment Bylaws for the Thaba Chweu Local Municipality as approved and adopted by Council on 28 December 2017 under Resolution No. A127/2017

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## **BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

### **Outdoor Advertising By-laws**

The Municipal Manager of Thaba Chweu Local Municipality hereby in terms of section 13(a) of the Local Government: Municipal Systems Act, 32 of 2000, read with section 162(2) of the Constitution, 1996, publishes the Outdoor Advertising By-laws for Thaba Chweu Local Municipality as approved by its Council which will come into operation on the date of promulgation of this notice.

### **Chapter 1**

#### **Interpretation and application**

##### **1. Definitions**

In these By-laws, unless the context otherwise indicates

**"advertisement"** means any representation by a word, or abbreviation thereof, letter, logo, symbol, sign, figure, painting, drawing or other pictorial representation, or light, displayed in or in view of any public place, Provincial or National Road within the jurisdiction of the Municipality for the purpose of drawing the attention of the public to or promoting any product, service, business or commercial enterprise, trade, person, election or candidature in an election, voter registration, entertainment, function, meeting or other event, aspects relating to security and news headlines;

**"advertising sign"** means a screen, fence, wall or any other object, structure or device, freestanding or attached to any wall or structure, in a fixed position intended to be used or used for the purpose of displaying any advertisement and any object, structure or device which is in itself

an advertisement, in or in view of a public place, Provincial or National Road and includes

an advertising hoarding and billboard and in so far as any provision of these By-laws relating to an advertising sign is practically capable of being applied to an advertisement, includes

an advertisement other than an advertisement displayed on an advertising sign and a poster;

**"advertising"** means the act or process of displaying an advertisement and **"advertise"** has a corresponding meaning;

**"approved"** means approved in writing by the Council and **"written approval"** has a corresponding meaning;

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

**"area of maximum control"** means an area in which maximum control of outdoor advertising is applied as contemplated in the Schedule;

**"area of minimum control"** means an area in which minimum control of outdoor advertising is applied as contemplated in the Schedule;

**"area of partial control"** means an area in which partial control of outdoor advertising is applied as contemplated in the Schedule;

## BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA

**"authorised official"** means any official of the Council who has been authorised by the Council to implement and enforce the provisions of these By-laws;

**"banner"** means a piece of cloth or similar material on which an advertisement is displayed in such a manner that it is legible in windless conditions and is attached to one or more ropes, poles or a flagstaff that projects vertically, horizontally or at any angle from the building or structure to which it is attached or is attached to a building or other structure, but excludes a banner carried as part of a procession;

**"blimp"** means a gas-inflated balloon or other object, including any such object capable of carrying passengers, which is attached or anchored to the ground upon which an advertisement is displayed;

**"building line"** means a building line determined under an applicable town planning scheme or any other law or document that has the force of law;

**"building schedule"** means a development programme for the construction or renovation of a building or structure specifying the different phases of the development or renovation and the type of construction prepared by a person undertaking the activities concerned;

**"clear height"** means the vertical distance between the lowest edge of an advertising sign and the level of the ground, footway or roadway immediately below such sign;

**"combination sign"** means a single freestanding structure specially designed to accommodate and display more than one advertising sign for a location such as a roadside service area, shopping centre, office park, industrial park and other urban complexes;

**"construction site"** means a property or portion of a property on which any building or structure is being, constructed after building plans have been approved in terms of the National Building Regulations and Building Standards Act, or provisional authorisation has been granted in terms of Section 7(6) of that Act, or a property or portion of a property on which any building or portion of a building is to be demolished after a demolition permit has been issued in terms of the said Act;

**"Council"** means (a) the Thaba Chweu Local Municipality, exercising its legislative and executive authority through its Municipal council; or (b) its successors in title; or (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these By-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Municipal Systems Act, as the case may be;

**"directional sign"** means an advertising sign indicating or directing the attention of the public to a place, undertaking or activity for the purpose of advertising it;

**"display"** means the display of an advertisement and "displayed" has a corresponding meaning;

**"dwelling house"** means one dwelling unit forming a single building;

**"dwelling unit"** means an interconnected suite of rooms designed for occupation by a single family, irrespective of whether the dwelling unit is a single building or forms part of a building containing two or more dwelling units;

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**BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

**"election"** means a national, provincial or local government election, any by-election and a referendum held in terms of any law;

**"electronic advertising sign"** means an advertising sign, which has an electronically or digitally controlled, or both an electronically and digitally controlled, illuminated display surface, which allows for different advertisements to be shown, changed, animated or illuminated in different ways and at different intervals on one such sign;

**"registered person"** means a person registered with the Engineering Council of South Africa as a professional engineer or professional engineering technologist, professional certified engineer or professional engineering technician under the Engineering Profession Act, 2000, (Act No. 46 of 2000);

**"event"** means an occasion organised for the general public;

**"façade"** means the principal front of a building;

**"flag"** means a piece of cloth or similar material upon which an advertisement is displayed and which is attached to a single rope, pole or flagstaff projecting vertically in such a way that its contents are normally not legible in windless conditions but excludes (a) a national flag which does not carry any advertisement in addition to the design of the flag or flagstaff; (b) a flag carried as part of a procession; and (c) a flag which is not displayed on a flagstaff;

**"gantry"** means a freestanding advertising sign that extends over, or suspends across a public street erected for the sole purpose of displaying an advertisement;

**"interested party"** means any person who has in terms of these By-laws submitted an application or submitted comments or an objection or made representations in respect of any such application;

**"intersection"** means that area embraced within the prolongation of the lateral boundary lines of two or more public streets, open to vehicular traffic, that join one another at any angle, whether or not one such public road crosses the other;

**"Municipal Systems Act"** means the Local Government: Municipal Systems Act, 2000 (Act, No. 32 of 2000) and any regulations made thereunder;

**"National Building Regulations and Building Standards Act"** means the National Building Regulations and Building Standards Act, 1977, (Act No. 103 of 1977), and any regulations made there under;

**"National Environmental Management Act"** means the National Environmental Management Act, 1998 (Act No. 107 of 1998) and any regulations made there under;

**"National Road Traffic Act"** means the National Road Traffic Act, 1996 (Act No. 93 of 1996), and any regulations made there under;

**"on-premises advertising sign"** means an advertising sign located on, (a)a property other than a public place; or(b)a public street and adjacent to a property contemplated in paragraph (a), on which sign an advertisement is displayed, advertising any business, industry, service, activity or

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**BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

attraction taking place or provided on that property and "on-premises advertising" has a corresponding meaning;

**"outdoor advertising"** means the display of any advertisement in or in view of any public place, Provincial or National Road within the jurisdiction of the Municipality;

**"owner"** means, in relation to (a)property, the person registered as the owner or holder thereof and includes the trustee in an insolvent estate, the liquidator of a company or a close corporation which is an owner and the executor of any owner who has died or the representative recognised by law of any owner who is a minor or of unsound mind or is otherwise under disability, provided such trustee, liquidator, executor or legal representative is acting within the authority conferred on him or her by law; and(b)an advertising sign or advertisement, the person who owns such sign or advertisement and any person who has a right to, or share in, the ownership of such sign or advertisement;

**"poster"** means any placard displaying an advertisement attracting public attention to any event or activity for which a poster may be approved as contemplated in section 27(1);

**"prescribed"** means prescribed by the Council;

**"projected sign"** means an advertisement projected by a cinematograph or other apparatus onto any surface;

**"projecting sign"** means an advertising sign, whether stationary or actuated, attached to and protruding from a building which is used for commercial business, offices, industrial or entertainment purposes and which projects more than 300mm from the surface of the wall to which it is attached;

**"property"** means any unit of land, including a public place, registered as a separate entity of land in the Deeds Office and includes any unit and land contemplated in the Sectional Titles Act, 1986 (Act No. 95 of 1986) and any public place depicted on the general plan of a township;

**"public place"** means a public street, bridge, subway, a square, open space, garden and any other enclosed space to which the public has a right of access or which is commonly used by the public and which is vested in the Council in terms of any law;

**"public street"** means a road, street or thoroughfare or other right of way to which the public has a right of access or which is commonly used by the public and includes any portion of a public street between the edge of the roadway and the boundary of the land reserved for such public street, including a sidewalk, and it includes Provincial and National motorways;

**"residential building"** means a building, other than a dwelling house and dwelling unit, designed for use or used for human habitation and includes a guest house, boarding house, hotel, residential club and hostel;



**"road island"** means an area demarcated on a roadway by means of painted lines, stones, kerbs or other means, with the intention of preventing vehicles from standing or being operated in that area;

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**BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

**"roadway"** means that portion of a public street which is improved, constructed or intended for vehicular traffic;

**"road reserve"** means the full width of a public street including the roadway, shoulder and sidewalk and the air space above a roadway, shoulder and sidewalk and any other area within the road reserve boundary;

**"road traffic sign"** means any road traffic sign and traffic signal as contemplated in the National Road Traffic Act;

**"scaffolding"** means a system of interlocking poles and bars used to provide support or access, or both, to a site for construction purposes as regulated by the South African Bureau of Standards code of practice 085, entitled The Design, Erection, Use and Inspection of Access Scaffolding;

**"scrolling advertising sign"** means an advertising sign which by mechanical means allows the rotation or changing of advertising faces to display different advertisements on one such sign;

**"sky sign"** means any advertising sign erected or placed on or above any roof, parapet wall or the eaves of a building, but does not include an advertisement painted on a roof of a building;

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

**"street furniture advertisement"** means an advertisement displayed on any public facility or structure which is not primarily intended for advertising and includes a seating bench, plant box, sidewalk litter bin, pole-mounted litter bin, public transport shelter, sidewalk clock, suburban name sign and a street name and drinking fountain;

**"street light pole advertising sign"** means an advertising sign fixed to or erected on a street light pole which pole vests in the Council or its Municipal Owned Entity;

**"streetscape"** means the visual product of all the features within and adjacent to a public street such as street furniture, signage and landscaping;

**"third-party advertising sign"** means an advertising sign located on a property upon which sign one or more advertisements are displayed which are not descriptive of any business, industry, service, activity or attraction situated, taking place or provided on that property and "third party advertising" has a corresponding meaning;

**"transit advertising sign"** means a vehicle or trailer designed or adapted for advertising purposes and mainly used for such purposes;

**"urban design"** means the actions of conceiving and managing the special and aesthetic characteristics of urban space between and around buildings including

physical elements that make up the streetscape and the combined visual effect of building facades and other structures; and

**"voter registration"** means voter registration conducted by the Independent Electoral Commission established in terms of section 4 of the Independent Electoral Commission Act, 1993 (Act No. 15 of 1003), for the purpose of any election;

## **BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

### **2. Application of and responsibility for complying with By-laws**

(1) These By-laws apply to all outdoor advertising in the area and jurisdiction of the Council.

(2) Approval for outdoor advertising in terms of these By-laws is required irrespective of the zoning of any property in terms of any applicable town planning scheme and irrespective of the provisions of any other law.

(3) The owner of an advertising sign and any person who has applied for approval of an advertising sign in terms of these By-laws must comply with any provision of these By-laws relating to that sign and must ensure that such provisions are complied with, subject to anything to the contrary contained in such provision.

### **Chapter 2**

#### **Applications and Approvals**

### **3. Approval of advertising signs**

(1) No person may erect any advertising sign or use or continue to use any advertising sign or any structure or device as an advertising sign without the prior written approval of the Council : Provided that the provisions of this subsection do not apply to any advertising sign exempted in terms of section 8.

(2) No advertising sign erected and displayed with approval contemplated in subsection (1) or any by-law repealed by section 39, may in any way be altered, removed, re-erected or upgraded, other than for maintenance work which may be required for the upkeep of an advertising sign, without prior written approval of the Council and subject to such conditions and requirements as the Council may consider appropriate which may include the submission of proof of compliance with section 32.

(3) An application for approval in terms of subsection (1) must be made by submitting a duly completed application on a prescribed form which must be accompanied by –

(a) the prescribed fee;

(b) the written consent of the owner of the proposed advertising sign and of the registered owner of the property or building upon which the advertising sign is to be erected or on behalf of  
the owner of the property or building by his or her agent duly authorised in writing by such owner;

(c) a locality plan, in colour, indicating the proposed position of the advertising sign within the area of jurisdiction of the Council;

(d) a block plan of the property upon which an advertising sign is to be erected, drawn to scale acceptable to Council, showing every building, building line and

servitude on the site and the position with dimensions of the advertising sign in relation to the two boundaries of the property closest to the proposed advertising sign and the location of any public street and any building on a property adjacent to the property upon which such sign is to be erected;

(e)an artistic impression showing all the detail, location and measurements of the proposed advertising sign;

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**BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

- (f) a drawing showing the proposed advertising sign and the distances in relation to any other party or free-standing advertising signs situated within a radius of 200m from the proposed advertising sign on the same side of the road;
- (g) a diagram showing the proposed position of the advertising sign; in conformity with guidelines, if applicable;
- (h) a copy of the title deed of the property upon which the proposed advertising sign is to be erected, if applicable;
- (i) a zoning certificate of the property concerned issued under an applicable town planning scheme and a zoning map indicating the land uses in terms of such scheme of every property adjacent to the property upon which the advertising sign is to be erected;
- (j) a diagram of the property indicating the position of the proposed advertising sign with measurements from that position to the closest two boundaries of the property concerned;
- (k) proof of compliance with any other law, including but not limited to, the National Road Traffic Act, the National Building Regulations and Building Standards Act, and the National Environmental Management Act, to the extent that such law is applicable in respect of the application concerned.;
- (l) proof of submission of an application for a building line relaxation in terms of any law, if applicable;
- (m) if a proposed advertising sign is to be attached to, or displayed on, the facade of a building, the approved building plans of that building showing an elevation and measurements of the building, and the details, measurements and position of the proposed advertising sign and the details and the position of every existing advertising sign on the building drawn to a scale acceptable to the Council;
- (n) if a proposed advertising sign is to be displayed on a boundary fence or hoarding enclosing any portion, or the whole of a construction site as contemplated in regulation FI to the National Building Regulations and Building Standards Act, the approved building plans of the proposed building showing the details, measurements and position of the proposed advertising sign drawn to a scale acceptable to Council, or proof that a section 7(6) has been granted, or proof that a demolition permit has been issued under the same Act, whichever is applicable;
- (o) a certificate by a registered person as envisaged by the provisions of the National Building Regulations and Building Standards Act, 103 of 1977, confirming the structural safety of the proposed advertising sign and its foundations, if applicable; and
- (p) any other written information which the Council may in writing require.

(4)The Council may at its discretion exempt an applicant from complying with any of the above requirements on good cause shown.

(5)Every plan and drawing required in terms of subsection (3) must be on a sheet of not less than A4 size.

## **BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

(6)The Council must refuse to accept an application if –

(a)subject to subsection (4) above, any requirement of subsection (3) has not been complied with;

or

(b)the application relates to an advertising sign which is prohibited in terms of section 9.

(7)If any information requested by the Council in terms of section (3)(P) is not provided within 90 days from the date of the first written request, or within such further period as the Council may in writing permit, the application concerned lapses without further notice.

### **4. Consideration of applications**

(1)In considering an application submitted in terms of section 3(3), the Council must, in addition to any other relevant factor, legislation, policy and by-laws of the Council, have due regard to the following:

(a) The compatibility of the proposed advertising sign with the environment and with the amenity of the immediate neighbourhood, area design and streetscape;

(b)Whether the proposed advertising sign will:

(i)have a negative visual impact on any property zoned or used for residential purposes under any applicable town-planning scheme; or

(ii)constitute a danger to any person or property or to motorists or pedestrians or obstruct vehicular or pedestrian traffic;

(iii)in any way impair the visibility of any road traffic sign;

(iv)obscure any existing and legally erected advertising sign;

(v)obscure any feature which in the opinion of the Council is a natural feature, architectural feature or visual line of civic, architectural, historical or heritage significance; or

(vi)in the Council's opinion, be unsightly or objectionable or detrimentally impact on the architectural design of any building on the property concerned or any adjacent property;

(c) the number of advertising signs displayed or to be displayed on the property concerned and on any adjacent property and its visibility in the circumstances in which it will be viewed in compliance with the minimum distances specified in section 6(2)(a);

(d)any restrictive or other condition and any existing building line and servitude specified in a title deed, town planning scheme, conditions of establishment or any other law;



(e)the area of control applicable to the property on which the proposed advertising sign is to be erected and the immediate surrounding area as set out in the Schedule;

(f)any comments submitted by and conditions determined or prescribed by a statutory authority in terms of any legislation applicable to outdoor advertising;

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**BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA  
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- (g) any written representations, objections and comments received from any interested party; and
- (h) any conflict with provisions of these By-laws.
- (2)
  - (a) The Council may refuse any application in terms of section 3(3) or approve it, subject to any amendment or condition it considers appropriate.
  - (b) Any approval in terms of paragraph (a) may be for a period not exceeding 5 years.
  - (c) The period of approval contemplated in paragraph (b) must be specified in the approval.
  - (3) The Council must within 21 days from date of a decision in terms of subsection (2), in writing, notify every interested party who has furnished his or her postal address to the Council, of its decision, and must provide written reasons for its decision on receipt of a written request as contemplated in Section 5 of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000).
  - (4) The Council must for its records retain every application, plans, drawings and other documentation submitted in terms of section 3(3) for a period it considers appropriate.
  - (5) No approval granted in terms of this section has the effect that :
    - (a) any person is exempted from any provisions of any other law applicable to outdoor advertising;or
    - (b) the owner of an advertising sign is exempted from the duty to ensure that such sign is designed, erected, completed, displayed and maintained in accordance with the provisions of these By-laws and any other applicable law.
  - (6) If an application submitted in terms of section 3(3) has been refused in terms of subsection (2), no further application may be lodged in respect of the same property for a period of two years from the date of such refusal, unless motivation acceptable to the Council is submitted indicating a change of circumstances prior to a further application being lodged in terms of that section.
  - (7) If an advertising sign approved in terms of subsection (2) is not erected within six months from the date of notification of such approval or within a time specified in such approval or any further period which the Council on good cause shown allows in writing, the approval lapses, whereafter a new application must be submitted in terms of section 3(3).

**5. Withdrawal and amendment of approvals**

(1) The Council may, after having considered any representations made in terms of subsection (2), withdraw an approval granted in terms of section 4(2) or amend any condition or impose a further condition in respect of such approval if, in the opinion of the Council, the advertising sign concerned-

(a) is or has, as a result of a change to the nature of the environment or the amenity of the neighbourhood, streetscape or area design existing at the time of such approval, become detrimental to the area in which it is located by reason of its size, intensity of illumination, quality of design, workmanship, material or its existence;

## **BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

- (b) constitutes, or has become, a danger to any person or property;
- (c) is obscuring any other advertising sign, natural feature, architectural feature or visual line of civic, architectural, historical or heritage significance; or
- (d) is or has become prohibited in terms of these By-laws or any other law;
- (2) Prior to taking any decision in terms of subsection (1) the Council must in writing notify the owner of the advertising sign concerned of its proposed decision and that he or she may within 21 days of the receipt of the notice make written representations concerning the proposed decision.
- (3) The owner of the advertising sign concerned and, if applicable, the owner of the property concerned must forthwith be given notice in writing of any decision in terms of subsection (1).
- (4) The Council must provide written reasons for its decision on receipt of a written request as contemplated in Section 5 of the Promotion of Administrative Justice Act, 2000.

### **Chapter 3**

#### **General Requirements, Exemptions and Prohibitions**

##### **6. General requirements for advertising signs**

- (1) The owner of an advertising sign must ensure that such sign is designed or located so as not to:
  - (a) be detrimental to the nature of the environment, streetscape, urban design or detract from the architecture of any building on which or where such sign is to be located, by reason of abnormal size, appearance, intensity of illumination, workmanship, design or its existence;
  - (b) wholly or partially obscure any advertising sign previously erected which displays an advertisement;
  - (c) constitute a danger to any person or property;
  - (d) project outside the boundaries of the property on which it is to be erected or displayed;
  - (e) result in the removal of, or damage to, any trees in a public place without prior written authorisation of the Council;
  - (f) be unsightly and not to comply with minimum distances as prescribed in subsection (2)(a) in relation to any other advertising sign;
  - (g) have a detrimental visual impact on any residential property within the area;
  - (h) obstruct a fire escape or the means of access to or egress from a fire escape; or

(i) comply with the minimum clearance with regard to overhead power lines stipulated in any law.

(2) Any advertising sign on a public street or facing a public street, including advertising signs facing a

Provincial Road, must comply with the following requirements:

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**BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

(a) except for street light pole and on-premises advertising signs, a minimum distance of 100m must be maintained between advertising signs or advertisements on the same side of a public street including any Provincial motorway, provided that the Council may require a minimum distance exceeding 100m if it considers it necessary in the interest of road safety; and

(b) no advertising sign may be located inside a prohibited area at any on and off-ramp of a motorway, whether local, provincial or national and in relation to overhead road traffic signs.

(3) Any advertising sign on a public street or facing a public street, including any Provincial Road, controlled by road traffic signs must in addition to any other requirement in terms of these By-laws, comply with the following requirements:

(a) no advertising sign may have red, amber or green as its main colours;

(b) no advertising sign may obscure or interfere with any road traffic sign;

(c) any advertising sign must be clear of any road traffic signs concerned and must be positioned in compliance with the following:

(i) no free-standing on-premises advertising sign greater than 8m<sup>2</sup> in extent shall be allowed within a 50m radius from the centre of an intersection;

(ii) no street furniture used for advertising or a sign containing the name of a suburb and an advertisement at an intersection may be within 5m from any road traffic sign;

(iii) except for advertising signs flat against a building and construction site advertising signs, any other third party advertising sign must be positioned at least 50m from the centre of an intersection; and

(4) Traffic flow may not be impeded during the erection and maintenance of an advertising

sign located in a public street, unless prior permission has been obtained and necessary precaution arranged with the Council.

(5) No advertisement displayed on a freestanding third-party advertising sign on any property may exceed:

(a) in an area of partial control, 40m<sup>2</sup>; and

(b) in an area of minimum control, 120m<sup>2</sup>,

(6) The height of an advertising sign may not exceed 12m with a clear height of 2,1 m Provided that the Council may in granting an application in terms of section 4(2), approve a height in excess of those mentioned above.

**7. Power cables and conduits to signs**

(1) Every power cable and conduit containing an electrical conductor for the operation of an advertising sign must be so positioned and attached so that it is not unsightly.

## **BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

(2) No advertising sign may be connected to any electricity supply without the prior written permission of the electricity supply authority concerned and such permission must, on request by an authorised official, be presented to him or her by the owner of the advertising sign concerned.

### **8. Exempt Advertising Signs and Advertisements**

(1) The following advertising signs and advertisements are exempt from the provisions of these By-laws:

(a) an advertising sign when situated in an arcade;

(b) an advertising sign when advertising a current event in a cinema, theatre or other place of public entertainment, displayed in a fixture or on a building intended for such display;

(c)(i) an advertising sign on a property 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 on which the activity concerned is described and the name of any architect, contractor or consultant concerned in such activity is displayed and the branch of the industry or the profession involved is specified, provided:

(aa) only one such sign, or set of signs is permitted per street frontage of a property; and

(bb) such sign is placed on or affixed to the building concerned or attached to the boundary wall or fence of the property on which the activity is taking place; and

(cc) such sign is removed within 21 days of the completion of the activities contemplated in this paragraph;

(ii) an advertising sign contemplated in this paragraph may not exceed:

(aa) 8m<sup>2</sup> in extent and with a maximum erected height of 6m, if the names of architects, consultants and contractors or all of them are displayed; or

(bb) 2m<sup>2</sup> in extent if the names of the contractor, sub-contractor, or both of them, are displayed.

(d) in an area of maximum control as specified in the Schedule, an advertisement consisting of one metal plate or board not exceeding 600mm x 450mm in size, displaying the name, address and telephone number of a security company contracted to protect a property and

(e) a single advertisement not exceeding 600mm x 450mm in size on any street boundary of



a property or portion of a property on which the existence of a security service or burglar alarm system is displayed;

(f) not exceeding 2m<sup>2</sup> in extent attached to a boundary wall or fence of a property on which the existence of a security company or protection service conducted on that property is displayed;

(g) a transit advertising sign which is mobile at all times when an advertisement is displayed;

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(h) an advertising sign containing only the name of a hotel, shop or restaurant and displayed on an awning of the building concerned; and

(i) an on-premises advertising sign comprising:

(aa) any non-illuminated advertising sign not projecting over a public street and not exceeding 8m<sup>2</sup> in extent displaying the trade, business, industry or profession conducted by any occupant or resident of the building to which such sign is attached, and the name of such occupant and resident, the address and telephone number of the occupant and resident and the hours of business; provided only one such sign per occupant or resident is displayed; and

(bb) any advertising sign not exceeding 12m<sup>2</sup> in extent, incorporated in the face of a building and a sign forming an integral part of the fabric of a building, not on or attached to the building in any manner.

(j) any advertising sign(s) which is a Council approved initiative which is deemed to be in the public interest or which is deemed to be of local, Provincial or National interest.

(2) The following advertising signs and advertisements are exempt from compliance with the provisions of section 3 but must comply with any other applicable provision of these By-laws:

(a) any advertisements not in conflict with any provision of these By laws displayed on an advertising sign approved in terms of section 4(2);

(b) any advertising sign and advertisements displayed at or on public transport, shelters and stations;

(c) a poster relating to voter registration for the purposes of an election displayed by the Independent Electoral Commission in terms of section 28;

(d) a poster advising of a national, provincial government or local government event or activity, subject to compliance with section 28;

(e) a poster advising of an event, activity, function or meeting organised by a registered political party, subject to compliance with section 28;

(f) an advertising sign provided for in terms of sections 10, 11, 12, 15(1), 18, 19, 20(1) and 23, and complying with the applicable requirements of those sections.

(g) an advertising sign not exceeding 2 square metres indicating the existence of a Block or Neighbourhood Watch System, Community board, displayed on a boundary wall or fence or in a position approved by the Council.

(h)an advertising sign for hawkers once a permit has been issued in terms of the relevant by-laws which is limited to two signs per hawker and which must be removed daily at close of business of such hawker.

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(3) Any advertising sign referred to in subsection (2) which does not comply with any provision of these By-laws relating to such sign, may only be erected or displayed after approval of an application in terms of section 4(2).

### **9. Prohibited signs**

In addition to any other prohibition, expressed or implied, in these By-laws, no person may erect, maintain or display any advertising sign:

- (a) painted on, attached to, or attached between the columns or posts of, a veranda;
- (b) which projects above or below a fascia, bearer, beam or balustrade of a veranda or balcony fronting on a public street;
- (c) which is luminous or illuminated and which is attached to a fascia, bearer, beam or balustrade of any splayed corner of a veranda or balcony fronting on a public street;
- (d) on calico, paper machete, plastic, woven or similar material unless
  - (i) it is an advertising sign contemplated in section 19 or 20;
  - (ii) it consists of a flexible face and forms part of an advertising sign approved in terms of section 4(2);
- (e) which is a swinging sign, not rigidly attached to any building or structure;
- (f) which may obscure, or be mistaken for, or interfere with the functioning of, a road traffic sign;
- (g) which may endanger the safety of motorists by restricting their vision or line of sight;
- (h) which is indecent or suggestive of indecency, prejudicial to public morals, or is insensitive to the public or any portion thereof or to any religious or cultural group;
- (i) which obstructs any window or opening in a building provided for the ventilation of that 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 of a building to another part thereof;
- (j) which is an animated or flashing advertising sign, the frequency of the animations or flashes or other intermittent alternations of which may disturb the residents or occupants of a building or is a source of nuisance to the public or detrimentally affect or pose a risk or threat to road traffic or pedestrian safety;
- (k) which is an illuminated advertising sign, the level of illumination of which disturbs the residents or occupants of a building or is a source of nuisance to the public or a portion of the public;
- (l) which is a movable either temporary or permanent advertising sign, other than those allowed in terms of these By-laws;
- (m) if the extent of the advertising sign exceeds 30m<sup>2</sup> and it is painted or fixed on a wall of a building other than a front wall of that building, unless such sign has been permitted in terms of section 14(3).

- (n) which is painted on or attached to a boundary wall or fence which wall or fence has not been approved as an advertising sign in terms of section 4(2);
- (o) which is a transit advertising sign and parked in or in view of any public place irrespective of whether it is attached to a vehicle or not which does not display the approval-risk of Council at all times as per section 26(2) of the by-laws;
- (p) which is attached to a road traffic sign or a tree;

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- (q) which is on a road island, excluding street light pole advertising signs;
- (r) which is attached to a security access control structure to any area property or building;
- (s) which is a flag displaying a third party advertisement on a property zoned for residential purposes in terms of an applicable town planning scheme and used for such purposes;
- (t) subject to section 16(1), on a property where the main land use is residential in nature;
- (u) which is a gantry which is suspended or extended across a public street;
- (v) which is a painted third party advertising sign onto the roof of any building;
- (w) on any motorway or on or within any on- or off-ramps of motorways whether local, Provincial or National motorways.

### **Chapter 4**

#### **Provisions relating to specific advertising signs**

##### **10. Signs suspended under verandas or canopies**

Any advertising sign which is suspended under a veranda or a canopy, must comply with the following requirements:

- (a) unless otherwise permitted by an approval in terms of section 4(2), such sign must be fixed with its face at right angles to a boundary of a public street on which the property concerned fronts;
- (b) no part of such sign may project beyond the outer edge of the veranda or canopy from which it is suspended;
- (c) such sign must have a clear height of at least 2,75m;
- (d) the top of such sign may not be more than 1m below the canopy or veranda from which it is suspended or more than exceed 1m in thickness;
- (e) unless otherwise permitted by an approval in terms of section 4(2), the bottom edge of such sign when suspended must be horizontal and the supports by means of which it is suspended must be an integral part of the design of such sign.

##### **11. Signs on verandas or canopies over public streets**

(1) Any advertising sign affixed to or onto a veranda or canopy which extends over a public street:

- (a) must be set parallel to the building line on the property concerned;
- (b) may not exceed 600mm in vertical dimension; and
- (c) must be attached immediately above the eaves of a veranda or canopy roof in such a manner that it does not project beyond the rear of the roof gutter or must be fixed against but not extending above or below the veranda parapet or balustrade in

such manner that it projects more than 230mm from the outside face of such parapet or balustrade.

(2)An advertising sign on a building in which public entertainment is presented, attached to a veranda or canopy extending over a public street and which displays only the features or programmes of the entertainment to be presented in such building, may not exceed:

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**BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

(a) an area of 1m<sup>2</sup> in the aggregate for every 1.5m or part thereof of the frontage of such building on the public street over which such sign is erected; and

(b) 1.2m in height.

(3) Nothing in this section prohibits the painting of an advertisement on or the display of advertisement not exceeding 600mm in thickness on a beam over a veranda column or on a parapet of a veranda contemplated in subsection (1).

**12. Projecting signs**

(1) Any projecting sign must be set at right angles to the building line and must maintain a clear height of not less than 2,75m.

(2) Subject to the provisions of subsection (3), no sign contemplated in subsection (1) may either exceed 600mm in height, 300mm in thickness nor project more than 900mm. from the building to which it is attached.

(3) A projecting sign larger than that specified in subsection (2) may be erected, subject to compliance with the following requirements:

(a) such sign must be constructed of metal framing and covered with metal sheeting;

(b) such sign may not exceed 9m in height or project more than 1.5m from the building concerned, or in the case of a sign consisting only of the name of a building used for the public, 14m in height or project more than 1.8m from the building concerned;

(c) such sign must be supported by at least four iron brackets firmly fixed to the building concerned, any two of which must be capable of carrying the entire mass of the sign; and

(d) such sign must be adequately protected from wind pressure by the use of effective braces and stays.

**13. Pylon signs for on-premises advertising**

(1) For the purposes of this section "pylon" includes any pylon, mast, tower or similar structure to which an advertising sign is attached, supported by or displayed on or which is constructed as an advertising sign or a combination of such signs, for the purpose of on-premises advertising.

(2) Any pylon must be independently supported and for that purpose it must be firmly secured to an adequate foundation in the ground and be entirely self-supporting without the aid of guys, stays, brackets or any other restraining device.

(3) The dimensions of a pylon and its associated advertising sign must be such that the entire assembly, whether stationary or actuated, can be contained within a notional vertical cylindrical figure having a diameter of 9m and a height of 12m.



(4) No activated or protruding part of a pylon sign or of an advertising sign associated with it may be less than 2.4m above the highest point of the existing ground level immediately below that pylon.

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(5) No free standing advertising sign as contemplated in subsection (1) shall have a single advertising display exceeding 18m<sup>2</sup> and 24m<sup>2</sup> for a combination of such signs.

### **14. Advertising signs placed flat on buildings and on bridges**

(1) The total area of an advertising sign placed flat or painted on a wall of a building may not exceed 20m<sup>2</sup> for every 15m of the frontage of the building concerned facing a public street.

(2)(a) no on-premises advertising sign contemplated in subsection (1), may exceed 40m<sup>2</sup> in extent in an area of partial control, and 80m<sup>2</sup> in an area of minimum control.

(b) no third party advertising sign contemplated in subsection (1) may exceed 80m<sup>2</sup> in an area of partial control, and 200m<sup>2</sup> in an area of minimum control.

(3) Notwithstanding the provisions of subsection (2)(b), it may in an approval in terms of section 4(2) be permitted or required that the dimensions of any such sign be greater than those specified in that subsection, if:

(a) it is in the interests of the aesthetic appearance of a building or wall on which

an advertising sign is placed as contemplated in subsection (1), and of the neighbourhood where such building or wall is situated, if the building or wall is situated in appropriate areas of minimum control;

(b) it is in the town regeneration areas, as indicated in the Council's Spatial Development Framework, of the area of jurisdiction of the Council where an urban renewal programme on the said building or area concerned as determined by Council, is being undertaken and the approval of such sign in terms of section 4(2) is subject to an annual prescribed financial contribution to be utilised for an Town Regeneration project.

(4) No advertising sign attached to a bridge, irrespective of its ownership, may exceed 20m<sup>2</sup> in extent in an area of partial control, or 40m<sup>2</sup> in extent in an area of minimum control, and must have the prior written approval of the relevant authority.

### **15. Signs relating to the development of townships and properties**

(1) An advertising sign exempted in terms of section 8(2) and relating to the development of a township or property and the disposal of property in a township may be displayed, provided the following requirements are complied with:

(a) If such advertising sign relates to the laying out or development of any land as a township or for the disposal of any erven in a township or a property development

(i) it may not be erected prior to the land-use rights being promulgated in terms of the Townships and Town-planning Ordinance 1986 (Ordinance 15 of 1986) or any other applicable law; and

(ii) may not exceed 18m<sup>2</sup> in extent or an erected height of 8m;

(b) such advertising sign must be located on the site of the proposed township or property development; and

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**BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

(c) any such advertising sign must be removed within 90 days of a development being completed or in respect of a property for sale or to let, within seven days after the sale or letting concerned.

(2) If an advertising sign contemplated in this section does not comply with subsection (1), an application for approval of such sign must be made in terms of section 3(3).

**16. Requirements for Sky Signs**

(1) Notwithstanding section 9(t), a sky sign may be erected on a building where the main use is residential or which is used as a residential building as long as the sign has no visual impact on the occupants of the building itself or any other building in the immediate area which is used for residential purposes or as a residential building.

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

(3) In an area of minimum or partial control as specified in Schedule 1 to these By-laws, every sky sign must be set against a screen complying with the requirements of section 17.

(4) No part of a sky sign may protrude beyond, above or below the edge of the screen required in terms of subsection (2).

(5) No sky sign may exceed 300m<sup>2</sup> in extent: Provided that the Council may for a third party advertising sign allow a greater extent.

(6) If the number of storeys contained in that part of a building which is directly below a sky sign is:

(a) one to five storeys; or

(b) six or more storeys, the vertical dimension of such sign may not exceed 3,0m and 5,0m respectively: Provided that the Council may in terms of section 4(2) approve a third party advertising sign which is a sky sign with a greater dimension.

**17. Screens for Sky Signs**

(1) Every screen for a sky sign contemplated in section 16 must comply with the following requirements:

(a) every screen must be located and constructed to form a continuous enclosure effectively concealing the frame and the structural components of any sky sign from view, and, if it is required or allowed in an approval in terms of section 4(2)

(i) such screen and structural component must be screened from any adjacent or other property;

(ii) the provisions of paragraph (a) requiring a continuous enclosure may be relaxed if the walls of any building on a property contemplated in subparagraph (i) are of a height and construction that such walls will effectively conceal such frame and structural components and do not contain openings overlooking them.

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**BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

- (b) unless the Council otherwise allows, no part of a screen may protrude beyond the perimeter of the building on which it is constructed;
- (c) the gap between the bottom of a screen and that part of the building immediately below it may not exceed 100mm;
- (d) no vertical dimension of any screen may exceed one-and-one-half times the vertical dimension of a sky sign specified in section 16(5) : Provided that if the screen also encloses a lift motor room, tank or other structure on the roof of the building concerned, the vertical dimension of the screen may be increased to the same height as such room, tank or structure; and
- (e) if the material of which the screen is made has an open mesh or grid formation:
  - (i) the openings in such mesh or grid must be uniform; and
  - (iii) the aggregate area of the openings may not exceed 25% of the area of the screen; and
  - (iv) no dimension of any such opening may exceed 100mm : Provided that the Council may allow the erection of a screen not complying with this paragraph, if the requirement of concealment in terms of paragraph (a) is met.

**18. Signs on residential buildings, dwelling houses and dwelling units**

The following advertising signs exempted in terms of section 8(2), may, without the approval of

the Council, be displayed on a residential building, dwelling house or dwelling unit where applicable, subject to the following requirements:

- (a) a single sign not exceeding 600mm by 450mm displaying the name only of a residential building; and
- (b) a sign not exceeding 600mm x 450mm displaying the name of the person owning or managing a residential building, such person's logo and telephone number, provided such sign
  - (i) is attached to or built into a wall or the building or a freestanding wall or boundary wall or fence or a freestanding pole on the property concerned;
  - (ii) is not illuminated; and
  - (iii) is limited to one of each sign referred to in paragraph (a) and (b), per street frontage of the property concerned; and
- (c) a sign not exceeding 2m<sup>2</sup> specifying the name and profession or occupation of an occupant of the property concerned attached to a boundary wall or fence, or the entrance door of a dwelling house or dwelling unit.

## **19.Sun-blind advertisements**

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An advertisement on any sun-blind exempted in terms of section 8(2), may be displayed without the approval of the Council, subject to compliance with the following requirements:

- (a) a sun-blind must be so made and attached to a building that it is incapable of being lowered to a height lower than 2m above the footway or pavement of a public street;
- (b) except at an intersection, a sun-blind must be placed parallel to the building line of the property concerned; and
- (c) at any intersection a sun-blind must be placed so that it does not cause any interference with or endanger vehicular or pedestrian traffic, or a traffic sign, street nameplate or other notice for the guidance or information of the public.

### **20. Advertisements on banners, flags and similar objects**

(1) An advertisement exempted in terms of section 8(2) on any banner, streamer, flag, paper, paper machete, plastic sheet or other similar pliable material or on calico or other woven material may only be displayed for the following purposes:

- (a) advertising a function or event conducted for religious, educational, social, welfare, animal welfare, sporting, civic or cultural purposes, or a function or event relating to an election; and
- (b) the display of the name, corporate symbol and nature of any enterprise.

(2) Every person to whom approval has been granted in terms of section 4(2) in respect of

an advertisement contemplated in subsection (1), but not exempted in terms of Section 8(2), must comply with and ensure that the following requirements are complied with:

- (a) not more than two advertisements in respect of the same matter are permitted in an urban or rural area of maximum control or four banners or flags in respect of the same matter in an urban area of partial and minimum control as contemplated in the Schedule;
- (b) a maximum of ten banners or flags may be displayed at any shopping centre;
- (c) every advertisement must be attached to a pole or suspended between poles or other supports on the property upon which the activity contemplated in subsection (1)(a) is to take place; and
- (d) no advertisement may be displayed for more than seven days prior to the date of the activity advertised and must be removed within three days after the conclusion thereof.



**21. Advertisements on blimps**

(1) A blimp containing an advertisement may, subject to the approval of the Council in terms of section 4(2), be used for a period not exceeding 24 months and may be airborne during daylight hours only.

(2) The Council must, for the purposes of considering an application for approval in terms of section 3 of an advertisement to be displayed on a blimp, have regard to:

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

**22. Painted advertisements**

Subject to the approval of the Council in terms of section 4(2):

- (a) the name of any person carrying on business in a building may be painted directly on a wall of that building;
- (b) a third-party advertisement may be painted directly onto any surface, subject to section 9(v).

**23. Advertising signs relating to selling and letting of property**

(1) Any of the following advertising signs relating to the letting or selling of property, may be displayed without the approval of Council:

- (a) a sign not exceeding 600mm x 450mm in size containing the words "for sale", "to let" or "sold" in respect of a dwelling house or residential building and displaying only the name, address and telephone number of the owner of the property or his or her estate agent, must be
  - (i) placed on or attached to the building concerned;
  - (ii) attached parallel to a boundary fence or wall of the property concerned;
  - (iii) otherwise displayed within the boundaries of the property concerned;
  - (iv) on that part of a public street, other than the roadway, on which the property concerned fronts and directly in front of such property; and
  - (v) limited, if an estate agent is involved, to one sign per estate agent per property;
- (b) a single sign per street frontage of a property not exceeding 600mm x 450mm in size, which contains only the word "sold" and the name address

and telephone number of the estate agent concerned, in respect of any dwelling house, or residential building, and which:

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- (i) is displayed only after every sign specified in paragraph (a) has been removed;
- (ii) is placed, attached or displayed as specified in paragraph (a)(i), (ii) or (iii);
- (c) a single sign not exceeding 6m<sup>2</sup> in extent per building flat on the facade of a non-residential building which contains only the words "for sale", "to let" or "sold" and the name, address and telephone number of the owner or his or her estate agent, or only the word "sold" and the said particulars of the estate agent, for a period not exceeding 90 days;
- (d)(i) a sign not exceeding 600mm x 450mm in size, displayed on a vacant residential property, which displays only the words "for sale" and the name, address and telephone number of the owner or his or her estate agent concerned, or only the word "sold" and the name address and telephone number of that agent;
- (ii) a for sale sign must be limited to one sign per estate agent and may be displayed for a period not exceeding 90 days; and (e) a single sign not exceeding 6m<sup>2</sup> in extent per property, on a vacant non-residential property, on which the words "for sale" or "to let" and the name, address and telephone number of the owner or his or her estate agent are displayed or the word "sold" and the name, address and telephone number of the estate agent concerned, may be displayed for a period of not exceeding 90 days;
- (2) Not more than five directional signs and only on show days indicating the position of a property for sale or to let may be displayed by an estate agent and "show days" shall mean from 12H00 to 17H00 on Sundays only.

**24. Other temporary advertising signs**

- (1) Any directional sign displayed by the Automobile Association of Southern Africa advertising an event may be displayed without approval contemplated in section 3(1).
- (2) Any advertising sign not exceeding 4m<sup>2</sup> in extent and not more than 3m above the ground level immediately below it, containing an advertisement relating to a sale in execution consequent upon the decision of a Court of Law or an auction or a sale by a liquidator or a trustee in an insolvent estate to be held on or relating to a property, may be displayed on that property for not more than seven days before the sale or auction, or for more than three days after the conclusion of the sale or auction.
- (3) The Council may approve temporary advertising on property owned by, vested in or controlled by it for a period not exceeding 180 days.

**25. Advertisements on construction sites**

(1) The Council must, for the purposes of considering an application in terms of section 3(3) for an advertisement to be displayed on the boundary or fence of or scaffolding on a construction site for a period set out in the building schedule but not exceeding 12 months, have regard to the following considerations:

- (a) the zoning of the property concerned in terms of an applicable town planning scheme and the general ambience of the area where the proposed sign is to be displayed;

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**BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

- (b) the aesthetic effect of the sign on the amenity of the area concerned and its surroundings;
  - (c) the area of control set out in the Schedule, applicable to the property concerned and its surroundings; and
  - (d) the distance of the proposed sign from every other approved and existing advertising sign within a radius of 200m.
- (2) An advertisement specified in subsection (1) is only allowed in an town areas of partial or minimum control and
- (a) may only be permitted on scaffolding which is against a building under construction or on a hoarding, fence or wall on the boundary of a construction site which has been erected to enclose that site during construction;
  - (b) may only be erected if it will conceal an unsightly condition arising out of the use to which the property concerned is put and if such sign will make a positive contribution to the visual environment; and
  - (c) may not be placed on the top of a boundary fence or wall unless it is positioned so that there is no gap between the advertisement and the wall or fence.

**26. Transit advertising**

- (1) A transit advertising sign containing an advertisement may only be displayed if it is mobile or displayed at specific designated locations approved by Council;
- (2) Upon approval of an application for a transit advertising sign, a disc will be issued by the Council which must be displayed at all times on the transit advertising sign itself;
- (3) If a transit advertising sign is used in contravention of subsections (1) and/or (2) above or any other provision of these By-laws, an authorised official may, without prior notice, remove and impound such sign.
- (4) Any transit advertising sign impounded in terms of subsection (2), must be kept by the Council for a period of 30 days from the date of impoundment and an authorised official must in writing notify the owner of such sign of the impoundment if the address of the owner can be ascertained.
- (5) An owner of a transit advertising sign impounded in terms of subsection (2) may claim such sign within the period specified in subsection (5) subject to payment of a prescribed fee.
- (6) The Council may if an advertising sign is not claimed by its owner within the period of 30 days referred to in subsection (3) destroy or otherwise dispose of the advertising sign concerned.

(7) The Council may recover the prescribed fee from any owner who has not claimed his or her transit advertising sign in terms of subsection (4).

## **Chapter 5**

### **Posters**

## **BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

### **27. Approval of posters**

(1) No person may, except for newspaper posters and subject to the provisions of section

28, display any poster in, or in view of, any public place unless he or she has first obtained the written approval of the Council.

(2) Approval in terms of subsection (1) may only be given for the display of a poster which does not relate to third party advertising.

(3) Application for approval contemplated in subsection (1) must be made on a prescribed form and must be accompanied by:

- (a) details in writing of every township and street in which the posters concerned are to be displayed;
- (b) by the prescribed fee; and
- (c) an example of every poster to which the application relates;
- (d) an example of the frame in which the posters will be displayed.

(4) Every poster for which permission is granted as contemplated in subsection (1) must be provided with a sticker supplied by the Council and only a poster with such sticker may be displayed;

(5) The Council may retain one poster to which an application in terms of subsection (3) relates for identification purposes.

(6) Any person who displays a poster, for which approval has been granted as contemplated in subsection (1), must comply with and ensure that the following requirements are complied with:

- (a) no poster may be displayed that it has a clear height lower than 2.1 m or higher than 3m
- (b) no poster may be indecent or suggestive of indecency, prejudicial to public morals or reasonably objectionable;
- (c) no poster may be displayed on any motorway and on any on- and off-ramp relating to a motorway; whether a local, provincial or national motorway;
- (d)(i) every poster other than a poster contemplated in section 28 must be displayed in a frame and in a location approved by the Council;
- (d)(ii) a frame referred to in sub-paragraph (i) may not exceed:
  - (aa) 600mm in height x 450mm in width in respect of any poster displaying a newspaper headline; and



(bb) 900mm in height x 600mm in width in respect of any other poster;

(e) a poster with a frame contemplated in paragraph (d) may only be attached to an electric pole in a public place;

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**BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA  
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- (f) a frame referred to in paragraph (e) must:
- (i) be secured in such a manner that it will not become wholly or partially dislodged by wind or any other means; and
  - (ii) positioned in such a manner that it does not obscure or interfere with the electrical inspection chamber or pole identification number of the pole to which it is attached; and
  - (iii) not impair the safety of motorists or pedestrians.
- (g) no poster may be displayed within 20m of an intersection, controlled by a road traffic sign;
- (h) no poster relating to a meeting, function or event, other than a national election or relating to the registration of voters, may be displayed for a period exceeding ten days before the date on which such meeting, function or event commences or longer than four days after the date on which it ends;
- (i) the name and contact details of the person displaying any poster, details of the event advertised, the commencement and final date of the event and the venue with address where it is to be held must appear on every poster.
- (j) no poster may be displayed for a period exceeding 28 consecutive days for any event advertised; and
- (k) no poster may be affixed by means of adhesive directly onto any surface of any private or Council property or asset.
- (7) Subject to approval contemplated in subsection (1), a number of posters not exceeding 80, advertising an auction to be held in consequence of an order of Court of Law as a sale in execution or a sale held by a liquidator or a trustee in an insolvent estate, may be displayed and must contain:
- (a) in the case of a sale in execution the relevant case number; or
  - (b) in the case of a sale by a liquidator or a trustee the reference number of the Master of the High Court.
- (8) (a) an authorised official may, without giving notice to anyone, remove any poster displayed without approval having been obtained in terms of subsection (1) or which is in conflict with any provision of these By-laws.
- (b) any poster removed in terms of paragraph (a), other than a poster which had to be damaged or destroyed in order to remove it, may be claimed by its owner within 21 days of its removal, and if not so claimed may be destroyed by an authorised official.

(c) if an owner claims any poster in terms of paragraph (b), the poster concerned must be returned to him or her subject to the payment of the prescribed fee.

## **BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

(d) the Council may recover the prescribed fee contemplated in paragraph (c) from any owner who does not claim his or her poster as contemplated in that paragraph.

### **28. Posters relating to election or voter registration**

(1) The following requirements must be complied with in respect of any poster relating to elections or voter registration:

(a) every poster must be attached to a board made of weatherproof material, in such a manner that it will not become wholly or partially dislodged by wind or any other means;

(b) no board or poster referred to in paragraph (a) may exceed 900mm in height x 600mm in width or be less than 600mm in height x 450mm in width;

(c) a board and poster referred to in paragraph (a) may only be secured to an electric light pole;

(d) a poster relating to:

(i) a candidate nominated for election may be displayed from the date of such nomination;

(ii) an election other than a poster referred to in paragraph (a), or voter registration, may be displayed from the a date

(aa) 14 days prior to the date of the proclamation in the Government or Provincial Gazette of the election or voter registration; or

(bb) if applicable, 14 days prior to the date of nomination of candidates, whichever date is earlier;

(e) any poster contemplated in this section, must be removed by the person displaying it within five days after conclusion of the election or voter registration, failing which, the Council shall within 10 days after the conclusion of the election or voter registration notify the relevant party to remove the posters within a time period specified, failing which, the Council may remove the posters itself against a prescribed fee per poster payable by the relevant party.

(2) (a) the provisions of section 27(6)(a), (b), (c), (e) (1) and (g), read with the necessary changes, apply in respect of any poster contemplated in this section, provided that such poster need not be placed in a frame.

(b) the provisions of section 27(8) read with the necessary changes apply in respect of posters not complying with the provisions of this section.

## **Chapter 6**

### **Miscellaneous**

#### **29. Maintenance of signs**

## **BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

- (1) (a) the owner of an advertising sign is responsible for maintaining that sign and the surrounding area so that it does not become unsightly or deteriorate to such a degree that it is in conflict with any provision of these By-laws.
- (b) an owner contemplated in paragraph (a), must carry out at least one annual inspection of an advertising sign with a view to satisfying himself or herself that it has been properly maintained as contemplated in paragraph (a) and forthwith carry out any necessary maintenance resultant upon such inspection.
- (c) an owner contemplated in paragraph (a), must keep a written record of any inspection made and maintenance carried out in terms of paragraph (b), must retain such record for a period of five years and must, on request by an authorised official, make such record available for perusal.
- (2) If, in the opinion of an authorised official, any advertising sign is in a dangerous or unsafe condition or has been allowed to fall into a state of disrepair or is in conflict with any requirement of these By-laws, he or she may serve a notice on the owner of such sign requiring him or her, at his or her own cost, to remove the advertising sign or take other steps relating to the maintenance specified in the notice, within a period so specified.
- (3) If an authorised official is of the opinion that an advertising sign constitutes an imminent danger to any person or property, he or she may without serving a notice in terms of section (2), or if such a notice has been served but not complied with within the period specified therein, he or she may remove that advertising sign or take other steps which he or she may consider necessary.
- (4) (a) if at any time, no advertisement is displayed on an advertising hoarding, the Council may serve a written notice on the owner of that hoarding requiring him or her at his or her own cost, to display an advertisement on that hoarding within a period so specified.
- (b) if a notice served in terms of subsection (1) is not complied with, the Council may, by notice in writing, require the owner of the advertising hoarding at his or her own cost to display a community message specified by the Council, until that owner displays an advertisement on the hoarding concerned.
- (c) the approval for an advertising hoarding in terms of these By-laws lapses if the owner on whom a notice has been served in terms of paragraph (b) fails to comply with the requirements of the notice within the period specified therein.

### **30. Costs of removal and storage**

- (1) The cost incurred by the Council for the removal and storage of an advertising sign, other than a poster, and other costs incurred by the Council as contemplated

in section 29, may be recovered from the owner of that advertising sign or any other person whose name or activity is displayed on that advertising sign.

(2) If an advertising sign has been removed in terms of section 29(3), an authorised official must in writing give notice to the owner of that sign, if his or her address can be ascertained, of such removal and that he or she may claim the advertising sign concerned.

## **BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

(3) Any advertising sign which has been removed and stored in terms of these By-laws may be released to its owner subject to payment of a prescribed fee.

(4) Any advertising sign removed and not claimed within 30 days may be disposed of by the Council.

(5) The Council shall be indemnified against any claim for loss or damage of any advertising sign in the removal thereof.

### **31. Documentation**

(1) The owner of a property upon which a sign or an advertising sign is erected, attached or displayed, must retain certified copies of all documentation relating to the application for approval of such sign in terms of these By-laws and the approval of the Council in terms of these By-laws, for as long as that sign is erected or displayed, and must on request by an authorised official, present such documentation.

(2) The owner of an advertising sign or advertisement who is not also the owner of the property or building on which such sign is displayed, must provide the owner of that property or building with a certified copy of all documentation contemplated in subsection (1), relating to such advertising sign.

### **32. Public participation process**

(1) After lodging an application in terms of section 3(3), the applicant must forthwith cause a notice in a prescribed form, to be published once in English and in one other official language newspaper circulating in the area in which the property to which the application relates is situated: Provided that no such notice may be published during the period from 12 December to 3 January of the following year, both dates included.

(2) (a) the applicant must from the date of publication of a notice in terms of subsection

(1), display a notice in a prescribed form in English and one other official language in a conspicuous place visible to the public on a street front of the property on which the proposed sign will be erected;

(b) the applicant must maintain a notice displayed in terms of paragraph (a), for a period of at least 21 days from the date of the publication of the notice in terms of subsection (1).

(3) A notice contemplated in subsections (1) and (2), must contain a statement (a) that details of the application concerned will be open for inspection at an address specified in the notice for a period of 21 days from the date of publication of the notice in terms of subsection (1); and (b) that any person may within the period specified in paragraph (a), submit comments or representations, or lodge an objection, in writing in respect of the application concerned.



(4) Any person proposing to submit comments or representations or lodge an objection as contemplated in subsection (3), must address such comments, representations or objections to both the Council and the applicant concerned at their respective addresses specified in the notices so contemplated.

## **BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

(5)The Council may if the proposed advertising sign will be visible from any property used for residential purposes, require the applicant to notify the owner of that property in writing of the application and obtain his or her written comments on the proposed advertising sign.

(6) (a) an applicant contemplated in subsection (1), must submit the original newspaper cuttings showing the notices and the date and name of the newspapers in which notices have been published in terms of subsection (1) and a photograph indicating the first and last date of the notice displayed in terms of subsection (2), accompanied by an affidavit confirming compliance with that subsection;

(b)the applicant must furnish proof to the satisfaction of the Council that he or she has complied with the provisions of this section.

(7)The Council may in its discretion exempt an applicant from complying with the above requirements on good cause shown.

### **33. Consideration of applications**

(1)If any written comments, representations or objections have been received in respect of an application from any interested party contemplated in section 32, the Council must consider all such comments, representations and objections before taking a decision on the application.

(2)An applicant may within 14 days after receiving any comments, representations or objections to an application, submit a written response thereto to the Council for consideration.

(3)If a response in terms of subsection (2) is not received by the Council within the period specified in subsection (2), it may take a decision on the application concerned without any notification to the applicant.

### **34. Termination of approvals of signs under previous By-laws**

(1)If approval for an advertising sign was given under the By-laws repealed by section 39 without specifying a period for the duration of that approval the Council may in agreement with the owner of that sign determine a date on which such approval will lapse.

(2)If agreement in terms of subsection (1) cannot be reached, the Council may, subject to compliance with the Promotion of Administrative Justice Act, 2000 (Act No.3 of 2000), determine a date contemplated in subsection (1), and notify the owner of the advertising sign concerned of its decision and that he or she may apply for approval for that sign in terms of section 3.

(3)If the owner of an advertising sign fails to submit an application in terms of section 3(2) within 60 days after being notified in terms of the date of an agreement in terms of subsection (1) or of a notification in terms of subsection (2) the

advertising sign concerned shall be considered to be erected or displayed without such approval.

### **35. Serving of notices**

Any notice that is required to, or may, be served, delivered or given in terms of, or for the purposes of, these By-laws, must be served in any of the following ways:

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**BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

- (a) by handing a copy of the notice to the person concerned;
- (b) by leaving a copy of the notice at the person's place of residence, business or employment with any other person who is apparently at least 16 years old and in charge of the premises at the time;
- (c) by e-mailing a copy of the notice to the person, if the person has in writing furnished an e-mail address to the Council or an authorised official;
- (d) by handing a copy of the notice to any representative authorised in writing to accept service on behalf of the person;
- (e) if the person has chosen an address for service, by handing a copy of the notice to a person who is apparently at least 16 years old at that address;
- (f) by sending a copy of the notice by registered or certified post to the last known address of the person concerned, and, unless the contrary is proved, it is deemed that service was effected on the seventh day following the day on which the document was posted;
- (g) if the person is a company or other body corporate, by serving a copy of the notice on an employee of the company or body corporate at its registered office or its principal place of business within the Republic, or its main place of business in the area of jurisdiction of the Council, or if there is no employee willing to accept the service by affixing a copy of the notice to the main door of the office or place of business; or
- (h) if the person is a partnership, firm or voluntary association, by serving a copy of the notice on a person who at the time of service is apparently in charge of the premises and apparently at least 16 years of age, at the place of business of such partnership, firm or association or if such partnership, firm or association has no place of business, by serving a copy of the notice on a partner, the owner of the firm or the chairman or secretary of the managing or other controlling body of such association, as the case may be.

**36. Inspections**

- (1) In addition to any power of inspection which an authorised official may have in terms of these By-laws, he or she may for any purpose relating to the implementation and enforcement of these By-laws, between 08:00 and 17:00, on any day other than a Sunday or public holiday, carry out an inspection of any advertising sign.
- (2) An authorised official must, before the commencement of, or during an inspection in terms of subsection (1), at the request of the owner of an advertising sign or the owner of a property on which the advertising sign concerned has been erected or is

displayed, produce written confirmation of his or her appointment as an authorised official empowered to carry out inspections for the purposes of these By-laws

(3) An authorised official carrying out an inspection in terms of these By-laws, must conduct himself or herself with strict regard to decency and orderliness and with due regard to any person's rights

## **BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

contained in the Bill of Rights set out in Chapter 2 of the Constitution of the Republic of South Africa, 1996 (Act No.108 of 1996).

### **37. Appeals**

(1) Any person whose rights are affected by a decision by an authorised official in terms of or for the purposes of these By-laws, may appeal against that decision to the Municipal Manager, appointed by the Council in terms of Section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), by lodging written notice of appeal, specifying the grounds of appeal within 21 days of the date on which he or she was notified of that decision.

(2) The Municipal Manager must commence consideration of the appeal and take a decision thereon within a reasonable time.

(3) The Municipal Manager must forthwith after a decision has been taken in terms of subsection (2), in writing notify the appellant thereof.

(4) An applicant, contemplated in subsection (1) may, on being notified of a decision in terms of subsection (3), in writing apply for reasons for the decision and the Municipal Manager must furnish written reasons to the applicant as contemplated in Section 5 of the Promotion of Administrative Justice Act, 2000.

### **38. Offences and penalties**

Any person who:

- (a) contravenes or fails to comply with any provision of these By-laws;
- (b) refuses or fails to comply with any notice served on him or her in terms of or for the purposes of these By-laws;
- (c) refuses or fails to comply with the terms or conditions of any approval issued in terms of these By-laws;
- (d) obstructs, hinders or interferes with an authorised official or other official of the Council acting under power delegated to him or her, in the exercise of any power or the performance of any duty under these By-laws;
- (e) fails or refuses to furnish to an authorised official or other official of the Council acting under power delegated to him or her, with any documentation or information required for the purposes of these By-laws or furnishes a false or misleading document or false or misleading information;
- (f) fails or refuses to comply with any instruction given in terms of or for the purposes of these By-laws; or
- (g) pretends to be an authorised official or other official of the Council acting under power delegated to him or her, is guilty of an offence and;

## **BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

(i) liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 12 months;

(ii) in the case of a continuing offence, to a further fine not exceeding R 1 000, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been served on him or her by the Council or an authorised official requiring the discontinuation of such offence.

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

(1) Subject to the provisions of subsection (2), the Thaba Chweu Local Municipality Outdoor Advertising By-laws published under Local Authority Notice 1419 in Extraordinary Provincial Gazette No. 150 dated 13 June 2008, are hereby repealed.

(2) Anything done under or in terms of any provision of the By-laws repealed by subsection (1) is deemed to have been done under the corresponding provisions of these By-laws and such repeal does not, subject to the provisions of section 34, affect the validity of anything done under the By-laws so repealed.

(3) Any application in terms of the By-laws repealed by subsection (1), pending before the Council at the date of commencement of these By-laws must be dealt with in terms of these By-laws.

### **40. Title**

These By-laws are referred to as the Outdoor Advertising By-laws and will come into operation on date of promulgation of the By-laws in the Provincial Gazette.

### **Schedules**

#### **Classification of Areas of Control**

(a) the classification of the areas of control for the purpose of outdoor advertising is based on the current and (near) future zoning of the property/ erf concerned.

(b) the classification of the areas of control shall be determined by Council within the Jurisdiction of the Thaba Chweu Local Municipality, and if needs be, in consultation with the relevant roads authority, such as for the property along the provincial or national roads.

(c) the classification of the areas of control is dynamic because it is a function of the land use and may need to be updated and changed according to the changes in the land use for a specific property/ site.

(d) it should be noted that the classification for a single erf / site can be overridden by the surrounding area of control. This implies that although a specific site can be zoned in such a way as to be classified as a specific area of control, and the surrounding area is predominantly classified as a "higher/

more stricter" area of control, Council shall decide that such a site/ property be classified according to the predominantly "higher" area of control.



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## **BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

(e) the determination of areas of control shall also take cognizance of areas that have been designated by any relevant national or provincial legislation or policy as "no go" or sensitive areas with respect to any development.

### **1. NATURAL LANDSCAPE - AREA OF MAXIMUM CONTROL**

(a) the "natural" landscape shall refer to the following parts of the rural or non-urban environment:

- (i) area in non-urban environment in an unspoilt natural state
- (ii) areas of high scenic value
- (iii) undeveloped natural landscapes and open spaces
- (iv) natural areas and open spaces

(b) natural landscapes shall include but shall not be limited to the following:

- (i) game reserves
- (ii) nature reserves
- (iii) wilderness areas
- (iv) extensive agriculture
- (v) agricultural holdings
- (vi) scenic corridors
- (vii) scenic landscapes
- (viii) national parks

### **2. RURAL LANDSCAPE - AREA OF MAXIMUM CONTROL**

(a) rural areas form a transition between the developed urban areas and the relatively unspoilt natural areas. Typical land use shall include the following:

- (i) intensive agriculture area
- (ii) subsistence agriculture
- (iii) peri-urban smallholdings
- (iv) undeveloped/vacant agricultural land where the surroundings is still vacant and undeveloped

### **3. URBAN AREAS OF MAXIMUM CONTROL**

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**BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA  
CHWEU LOCAL MUNICIPAL AREA**

(a) urban areas will be proclaimed township areas. If a site is not part of the proclaimed township scheme, it should be classified as rural or natural area. Urban areas can be classified as maximum control, partial control or minimum control.

(b) the following precincts are deemed sensitive to visual disturbance and shall be defined as urban areas of maximum control:

- (i) natural open spaces in urban areas
- (ii) urban conservation areas
- (iii) vacant/ undeveloped urban space areas
- (iv) interface of natural landscape with built-up areas
- (v) gateways as determined by relevant authorities
- (vi) residential areas/ properties
- (vii) bodies of water / Rivers
- (viii) ridges
- (ix) forests
- (x) open recreational areas
- (xi) architectural and historical sites
- (xii) characteristic vistas
- (xiii) heritage and protected areas/ sites
- (xiv) skylines

**4. URBAN AREAS OF PARTIAL CONTROL**

(a) urban areas of partial control are, in most cases, characterized by a greater degree of integration and complexity of land use, facilities and activities that allows for limited freedom with regard to size, number and position of advertisements.

(b) where urban areas of maximum control and urban areas of minimum control, according to the land use, are adjacent to each other, an urban area of partial control will apply to protect the area of maximum control to be proliferated by advertisements. This will be a 50 m band between an area of minimum control and an area of maximum control.

(c) the band mentioned in (b) above will be measured from the edge of the area of maximum control into the area of minimum control.

(d) besides this area of 50m, the following areas will also be defined as urban areas of partial control:

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**BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

- (i) commercial enclaves in residential areas
- (ii) shopping centres
- (iii) suburban shopping centres & office parks
- (iv) ribbon development
- (v) educational institutions
- (vi) institutional premises
- (vii) sports fields, private open spaces or stadiums
- (viii) commercialized squares
- (ix) residential 1 properties with primary rights for offices in a commercial neighbourhood/precinct
- (x) government enclaves
- (xi) smallholdings of an urban nature

**5. URBAN AREAS OF MINIMUM CONTROL**

a) urban areas of minimum control can be seen as centres, areas and nodes of concentrated economic activity where the dominant concern and motivation is to conduct business and to sell products and services. This calls for the display of advertisements and signs in stronger and more obvious forms.

b) The following precincts are included in urban areas of minimum control:

- (i) concentrated economic activity
- (ii) commercial districts
- (iii) industrial areas & Industrial parks
- (iv) office precincts
- (v) institutions in an exclusive commercial neighbourhood or precinct
- (vi) commercial enclaves & shopping centres in Industrial areas & industrial parks
- (vii) entertainment districts
- (viii) prominent transport nodes (subject to other applicable Council or any other policies).

**Notice No: 46**

## PROVINCIAL NOTICE 49 OF 2019

**BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE****THABA CHWEU LOCAL MUNICIPAL AREA**

The Municipal Manager of the Thaba Chweu Local Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the By-laws relating to the Impoundment Bylaws for the Thaba Chweu Local Municipality as approved and adopted by Council on 28 December 2017 under Resolution No. A127/2017

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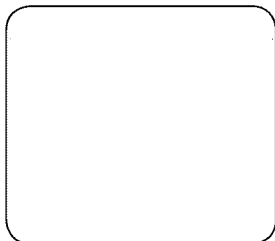
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THE PROVINCE OF MPUMALANGA  
DIE PROVINSIE MPUMALANGA

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## **BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

### **Outdoor Advertising By-laws**

The Municipal Manager of Thaba Chweu Local Municipality hereby in terms of section 13(a) of the Local Government: Municipal Systems Act, 32 of 2000, read with section 162(2) of the Constitution, 1996, publishes the Outdoor Advertising By-laws for Thaba Chweu Local Municipality as approved by its Council which will come into operation on the date of promulgation of this notice.

### **Chapter 1**

#### **Interpretation and application**

##### **1. Definitions**

In these By-laws, unless the context otherwise indicates

**"advertisement"** means any representation by a word, or abbreviation thereof, letter, logo, symbol, sign, figure, painting, drawing or other pictorial representation, or light, displayed in or in view of any public place, Provincial or National Road within the jurisdiction of the Municipality for the purpose of drawing the attention of the public to or promoting any product, service, business or commercial enterprise, trade, person, election or candidature in an election, voter registration, entertainment, function, meeting or other event, aspects relating to security and news headlines;

**"advertising sign"** means a screen, fence, wall or any other object, structure or device, freestanding or attached to any wall or structure, in a fixed position intended to be used or used for the purpose of displaying any advertisement and any object, structure or device which is in itself

an advertisement, in or in view of a public place, Provincial or National Road and includes

an advertising hoarding and billboard and in so far as any provision of these By-laws relating to an advertising sign is practically capable of being applied to an advertisement, includes

an advertisement other than an advertisement displayed on an advertising sign and a poster;

**"advertising"** means the act or process of displaying an advertisement and **"advertise"** has a corresponding meaning;

**"approved"** means approved in writing by the Council and **"written approval"** has a corresponding meaning;

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

**"area of maximum control"** means an area in which maximum control of outdoor advertising is applied as contemplated in the Schedule;

**"area of minimum control"** means an area in which minimum control of outdoor advertising is applied as contemplated in the Schedule;

**"area of partial control"** means an area in which partial control of outdoor advertising is applied as contemplated in the Schedule;

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**"authorised official"** means any official of the Council who has been authorised by the Council to implement and enforce the provisions of these By-laws;

**"banner"** means a piece of cloth or similar material on which an advertisement is displayed in such a manner that it is legible in windless conditions and is attached to one or more ropes, poles or a flagstaff that projects vertically, horizontally or at any angle from the building or structure to which it is attached or is attached to a building or other structure, but excludes a banner carried as part of a procession;

**"blimp"** means a gas-inflated balloon or other object, including any such object capable of carrying passengers, which is attached or anchored to the ground upon which an advertisement is displayed;

**"building line"** means a building line determined under an applicable town planning scheme or any other law or document that has the force of law;

**"building schedule"** means a development programme for the construction or renovation of a building or structure specifying the different phases of the development or renovation and the type of construction prepared by a person undertaking the activities concerned;

**"clear height"** means the vertical distance between the lowest edge of an advertising sign and the level of the ground, footway or roadway immediately below such sign;

**"combination sign"** means a single freestanding structure specially designed to accommodate and display more than one advertising sign for a location such as a roadside service area, shopping centre, office park, industrial park and other urban complexes;

**"construction site"** means a property or portion of a property on which any building or structure is being, constructed after building plans have been approved in terms of the National Building Regulations and Building Standards Act, or provisional authorisation has been granted in terms of Section 7(6) of that Act, or a property or portion of a property on which any building or portion of a building is to be demolished after a demolition permit has been issued in terms of the said Act;

**"Council"** means (a) the Thaba Chweu Local Municipality, exercising its legislative and executive authority through its Municipal council; or (b) its successors in title; or (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these By-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Municipal Systems Act, as the case may be;

**"directional sign"** means an advertising sign indicating or directing the attention of the public to a place, undertaking or activity for the purpose of advertising it;

**"display"** means the display of an advertisement and "displayed" has a corresponding meaning;

**"dwelling house"** means one dwelling unit forming a single building;

**"dwelling unit"** means an interconnected suite of rooms designed for occupation by a single family, irrespective of whether the dwelling unit is a single building or forms part of a building containing two or more dwelling units;

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**"election"** means a national, provincial or local government election, any by-election and a referendum held in terms of any law;

**"electronic advertising sign"** means an advertising sign, which has an electronically or digitally controlled, or both an electronically and digitally controlled, illuminated display surface, which allows for different advertisements to be shown, changed, animated or illuminated in different ways and at different intervals on one such sign;

**"registered person"** means a person registered with the Engineering Council of South Africa as a professional engineer or professional engineering technologist, professional certified engineer or professional engineering technician under the Engineering Profession Act, 2000, (Act No. 46 of 2000);

**"event"** means an occasion organised for the general public;

**"façade"** means the principal front of a building;

**"flag"** means a piece of cloth or similar material upon which an advertisement is displayed and which is attached to a single rope, pole or flagstaff projecting vertically in such a way that its contents are normally not legible in windless conditions but excludes (a) a national flag which does not carry any advertisement in addition to the design of the flag or flagstaff; (b) a flag carried as part of a procession; and (c) a flag which is not displayed on a flagstaff;

**"gantry"** means a freestanding advertising sign that extends over, or suspends across a public street erected for the sole purpose of displaying an advertisement;

**"interested party"** means any person who has in terms of these By-laws submitted an application or submitted comments or an objection or made representations in respect of any such application;

**"intersection"** means that area embraced within the prolongation of the lateral boundary lines of two or more public streets, open to vehicular traffic, that join one another at any angle, whether or not one such public road crosses the other;

**"Municipal Systems Act"** means the Local Government: Municipal Systems Act, 2000 (Act, No. 32 of 2000) and any regulations made thereunder;

**"National Building Regulations and Building Standards Act"** means the National Building Regulations and Building Standards Act, 1977, (Act No. 103 of 1977), and any regulations made there under;

**"National Environmental Management Act"** means the National Environmental Management Act, 1998 (Act No. 107 of 1998) and any regulations made there under;

**"National Road Traffic Act"** means the National Road Traffic Act, 1996 (Act No. 93 of 1996), and any regulations made there under;

**"on-premises advertising sign"** means an advertising sign located on, (a) a property other than a public place; or (b) a public street and adjacent to a property contemplated in paragraph (a), on which sign an advertisement is displayed, advertising any business, industry, service, activity or

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attraction taking place or provided on that property and "on-premises advertising" has a corresponding meaning;

**"outdoor advertising"** means the display of any advertisement in or in view of any public place, Provincial or National Road within the jurisdiction of the Municipality;

**"owner"** means, in relation to (a)property, the person registered as the owner or holder thereof and includes the trustee in an insolvent estate, the liquidator of a company or a close corporation which is an owner and the executor of any owner who has died or the representative recognised by law of any owner who is a minor or of unsound mind or is otherwise under disability, provided such trustee, liquidator, executor or legal representative is acting within the authority conferred on him or her by law; and(b)an advertising sign or advertisement, the person who owns such sign or advertisement and any person who has a right to, or share in, the ownership of such sign or advertisement;

**"poster"** means any placard displaying an advertisement attracting public attention to any event or activity for which a poster may be approved as contemplated in section 27(1);

**"prescribed"** means prescribed by the Council;

**"projected sign"** means an advertisement projected by a cinematograph or other apparatus onto any surface;

**"projecting sign"** means an advertising sign, whether stationary or actuated, attached to and protruding from a building which is used for commercial business, offices, industrial or entertainment purposes and which projects more than 300mm from the surface of the wall to which it is attached;

**"property"** means any unit of land, including a public place, registered as a separate entity of land in the Deeds Office and includes any unit and land contemplated in the Sectional Titles Act, 1986 (Act No. 95 of 1986) and any public place depicted on the general plan of a township;

**"public place"** means a public street, bridge, subway, a square, open space, garden and any other enclosed space to which the public has a right of access or which is commonly used by the public and which is vested in the Council in terms of any law;

**"public street"** means a road, street or thoroughfare or other right of way to which the public has a right of access or which is commonly used by the public and includes any portion of a public street between the edge of the roadway and the boundary of the land reserved for such public street, including a sidewalk, and it includes Provincial and National motorways;

**"residential building"** means a building, other than a dwelling house and dwelling unit, designed for use or used for human habitation and includes a guest house, boarding house, hotel, residential club and hostel;



**"road island"** means an area demarcated on a roadway by means of painted lines, stones, kerbs or other means, with the intention of preventing vehicles from standing or being operated in that area;

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**"roadway"** means that portion of a public street which is improved, constructed or intended for vehicular traffic;

**"road reserve"** means the full width of a public street including the roadway, shoulder and sidewalk and the air space above a roadway, shoulder and sidewalk and any other area within the road reserve boundary;

**"road traffic sign"** means any road traffic sign and traffic signal as contemplated in the National Road Traffic Act;

**"scaffolding"** means a system of interlocking poles and bars used to provide support or access, or both, to a site for construction purposes as regulated by the South African Bureau of Standards code of practice 085, entitled The Design, Erection, Use and Inspection of Access Scaffolding;

**"scrolling advertising sign"** means an advertising sign which by mechanical means allows the rotation or changing of advertising faces to display different advertisements on one such sign;

**"sky sign"** means any advertising sign erected or placed on or above any roof, parapet wall or the eaves of a building, but does not include an advertisement painted on a roof of a building;

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

**"street furniture advertisement"** means an advertisement displayed on any public facility or structure which is not primarily intended for advertising and includes a seating bench, plant box, sidewalk litter bin, pole-mounted litter bin, public transport shelter, sidewalk clock, suburban name sign and a street name and drinking fountain;

**"street light pole advertising sign"** means an advertising sign fixed to or erected on a street light pole which pole vests in the Council or its Municipal Owned Entity;

**"streetscape"** means the visual product of all the features within and adjacent to a public street such as street furniture, signage and landscaping;

**"third-party advertising sign"** means an advertising sign located on a property upon which sign one or more advertisements are displayed which are not descriptive of any business, industry, service, activity or attraction situated, taking place or provided on that property and "third party advertising" has a corresponding meaning;

**"transit advertising sign"** means a vehicle or trailer designed or adapted for advertising purposes and mainly used for such purposes;

**"urban design"** means the actions of conceiving and managing the special and aesthetic characteristics of urban space between and around buildings including

physical elements that make up the streetscape and the combined visual effect of building facades and other structures; and

**"voter registration"** means voter registration conducted by the Independent Electoral Commission established in terms of section 4 of the Independent Electoral Commission Act, 1993 (Act No. 15 of 1003), for the purpose of any election;

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### **2. Application of and responsibility for complying with By-laws**

(1) These By-laws apply to all outdoor advertising in the area and jurisdiction of the Council.

(2) Approval for outdoor advertising in terms of these By-laws is required irrespective of the zoning of any property in terms of any applicable town planning scheme and irrespective of the provisions of any other law.

(3) The owner of an advertising sign and any person who has applied for approval of an advertising sign in terms of these By-laws must comply with any provision of these By-laws relating to that sign and must ensure that such provisions are complied with, subject to anything to the contrary contained in such provision.

### **Chapter 2**

#### **Applications and Approvals**

### **3. Approval of advertising signs**

(1) No person may erect any advertising sign or use or continue to use any advertising sign or any structure or device as an advertising sign without the prior written approval of the Council : Provided that the provisions of this subsection do not apply to any advertising sign exempted in terms of section 8.

(2) No advertising sign erected and displayed with approval contemplated in subsection (1) or any by-law repealed by section 39, may in any way be altered, removed, re-erected or upgraded, other than for maintenance work which may be required for the upkeep of an advertising sign, without prior written approval of the Council and subject to such conditions and requirements as the Council may consider appropriate which may include the submission of proof of compliance with section 32.

(3) An application for approval in terms of subsection (1) must be made by submitting a duly completed application on a prescribed form which must be accompanied by –

(a) the prescribed fee;

(b) the written consent of the owner of the proposed advertising sign and of the registered owner of the property or building upon which the advertising sign is to be erected or on behalf of

the owner of the property or building by his or her agent duly authorised in writing by such owner;

(c) a locality plan, in colour, indicating the proposed position of the advertising sign within the area of jurisdiction of the Council;

(d) a block plan of the property upon which an advertising sign is to be erected, drawn to scale acceptable to Council, showing every building, building line and servitude on the site and the position with dimensions of the advertising sign in relation to the two boundaries of the property closest to the proposed advertising

sign and the location of any public street and any building on a property adjacent to the property upon which such sign is to be erected;

(e)an artistic impression showing all the detail, location and measurements of the proposed advertising sign;

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- (f) a drawing showing the proposed advertising sign and the distances in relation to any other party or free-standing advertising signs situated within a radius of 200m from the proposed advertising sign on the same side of the road;
- (g) a diagram showing the proposed position of the advertising sign; in conformity with guidelines, if applicable;
- (h) a copy of the title deed of the property upon which the proposed advertising sign is to be erected, if applicable;
- (i) a zoning certificate of the property concerned issued under an applicable town planning scheme and a zoning map indicating the land uses in terms of such scheme of every property adjacent to the property upon which the advertising sign is to be erected;
- (j) a diagram of the property indicating the position of the proposed advertising sign with measurements from that position to the closest two boundaries of the property concerned;
- (k) proof of compliance with any other law, including but not limited to, the National Road Traffic Act, the National Building Regulations and Building Standards Act, and the National Environmental Management Act, to the extent that such law is applicable in respect of the application concerned.;
- (l) proof of submission of an application for a building line relaxation in terms of any law, if applicable;
- (m) if a proposed advertising sign is to be attached to, or displayed on, the facade of a building, the approved building plans of that building showing an elevation and measurements of the building, and the details, measurements and position of the proposed advertising sign and the details and the position of every existing advertising sign on the building drawn to a scale acceptable to the Council;
- (n) if a proposed advertising sign is to be displayed on a boundary fence or hoarding enclosing any portion, or the whole of a construction site as contemplated in regulation FI to the National Building Regulations and Building Standards Act, the approved building plans of the proposed building showing the details, measurements and position of the proposed advertising sign drawn to a scale acceptable to Council, or proof that a section 7(6) has been granted, or proof that a demolition permit has been issued under the same Act, whichever is applicable;
- (o) a certificate by a registered person as envisaged by the provisions of the National Building Regulations and Building Standards Act, 103 of 1977, confirming the structural safety of the proposed advertising sign and its foundations, if applicable; and
- (p) any other written information which the Council may in writing require.

(4)The Council may at its discretion exempt an applicant from complying with any of the above requirements on good cause shown.

(5)Every plan and drawing required in terms of subsection (3) must be on a sheet of not less than A4 size.

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(6)The Council must refuse to accept an application if –

(a)subject to subsection (4) above, any requirement of subsection (3) has not been complied with;

or

(b)the application relates to an advertising sign which is prohibited in terms of section 9.

(7)If any information requested by the Council in terms of section (3)(P) is not provided within 90 days from the date of the first written request, or within such further period as the Council may in writing permit, the application concerned lapses without further notice.

### **4. Consideration of applications**

(1)In considering an application submitted in terms of section 3(3), the Council must, in addition to any other relevant factor, legislation, policy and by-laws of the Council, have due regard to the following:

(a) The compatibility of the proposed advertising sign with the environment and with the amenity of the immediate neighbourhood, area design and streetscape;

(b)Whether the proposed advertising sign will:

(i)have a negative visual impact on any property zoned or used for residential purposes under any applicable town-planning scheme; or

(ii)constitute a danger to any person or property or to motorists or pedestrians or obstruct vehicular or pedestrian traffic;

(iii)in any way impair the visibility of any road traffic sign;

(iv)obscure any existing and legally erected advertising sign;

(v)obscure any feature which in the opinion of the Council is a natural feature, architectural feature or visual line of civic, architectural, historical or heritage significance; or

(vi)in the Council's opinion, be unsightly or objectionable or detrimentally impact on the architectural design of any building on the property concerned or any adjacent property;

(c) the number of advertising signs displayed or to be displayed on the property concerned and on any adjacent property and its visibility in the circumstances in which it will be viewed in compliance with the minimum distances specified in section 6(2)(a);

(d)any restrictive or other condition and any existing building line and servitude specified in a title deed, town planning scheme, conditions of establishment or any other law;



(e)the area of control applicable to the property on which the proposed advertising sign is to be erected and the immediate surrounding area as set out in the Schedule;

(f)any comments submitted by and conditions determined or prescribed by a statutory authority in terms of any legislation applicable to outdoor advertising;

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- (g) any written representations, objections and comments received from any interested party; and
- (h) any conflict with provisions of these By-laws.
- (2)
  - (a) The Council may refuse any application in terms of section 3(3) or approve it, subject to any amendment or condition it considers appropriate.
  - (b) Any approval in terms of paragraph (a) may be for a period not exceeding 5 years.
  - (c) The period of approval contemplated in paragraph (b) must be specified in the approval.
- (3) The Council must within 21 days from date of a decision in terms of subsection (2), in writing, notify every interested party who has furnished his or her postal address to the Council, of its decision, and must provide written reasons for its decision on receipt of a written request as contemplated in Section 5 of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000).
- (4) The Council must for its records retain every application, plans, drawings and other documentation submitted in terms of section 3(3) for a period it considers appropriate.
- (5) No approval granted in terms of this section has the effect that :
  - (a) any person is exempted from any provisions of any other law applicable to outdoor advertising;or
  - (b) the owner of an advertising sign is exempted from the duty to ensure that such sign is designed, erected, completed, displayed and maintained in accordance with the provisions of these By-laws and any other applicable law.
- (6) If an application submitted in terms of section 3(3) has been refused in terms of subsection (2), no further application may be lodged in respect of the same property for a period of two years from the date of such refusal, unless motivation acceptable to the Council is submitted indicating a change of circumstances prior to a further application being lodged in terms of that section.
- (7) If an advertising sign approved in terms of subsection (2) is not erected within six months from the date of notification of such approval or within a time specified in such approval or any further period which the Council on good cause shown allows in writing, the approval lapses, whereafter a new application must be submitted in terms of section 3(3).

**5. Withdrawal and amendment of approvals**

- (1) The Council may, after having considered any representations made in terms of subsection (2), withdraw an approval granted in terms of section 4(2) or amend any

condition or impose a further condition in respect of such approval if, in the opinion of the Council, the advertising sign concerned-

(a) is or has, as a result of a change to the nature of the environment or the amenity of the neighbourhood, streetscape or area design existing at the time of such approval, become detrimental to the area in which it is located by reason of its size, intensity of illumination, quality of design, workmanship, material or its existence;

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- (b) constitutes, or has become, a danger to any person or property;
- (c) is obscuring any other advertising sign, natural feature, architectural feature or visual line of civic, architectural, historical or heritage significance; or
- (d) is or has become prohibited in terms of these By-laws or any other law;
- (2) Prior to taking any decision in terms of subsection (1) the Council must in writing notify  
the owner of the advertising sign concerned of its proposed decision and that he or she may within 21 days of the receipt of the notice make written representations concerning the proposed decision.
- (3) The owner of the advertising sign concerned and, if applicable, the owner of the property concerned must forthwith be given notice in writing of any decision in terms of subsection (1).
- (4) The Council must provide written reasons for its decision on receipt of a written request as contemplated in Section 5 of the Promotion of Administrative Justice Act, 2000.

### **Chapter 3**

#### **General Requirements, Exemptions and Prohibitions**

##### **6. General requirements for advertising signs**

- (1) The owner of an advertising sign must ensure that such sign is designed or located so as not to:
  - (a) be detrimental to the nature of the environment, streetscape, urban design or detract from the architecture of any building on which or where such sign is to be located, by reason of abnormal size, appearance, intensity of illumination, workmanship, design or its existence;
  - (b) wholly or partially obscure any advertising sign previously erected which displays an advertisement;
  - (c) constitute a danger to any person or property;
  - (d) project outside the boundaries of the property on which it is to be erected or displayed;
  - (e) result in the removal of, or damage to, any trees in a public place without prior written authorisation of the Council;
  - (f) be unsightly and not to comply with minimum distances as prescribed in subsection (2)(a) in relation to any other advertising sign;
  - (g) have a detrimental visual impact on any residential property within the area;
  - (h) obstruct a fire escape or the means of access to or egress from a fire escape; or

(i) comply with the minimum clearance with regard to overhead power lines stipulated in any law.

(2) Any advertising sign on a public street or facing a public street, including advertising signs facing a Provincial Road, must comply with the following requirements:

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(a) except for street light pole and on-premises advertising signs, a minimum distance of 100m must be maintained between advertising signs or advertisements on the same side of a public street including any Provincial motorway, provided that the Council may require a minimum distance exceeding 100m if it considers it necessary in the interest of road safety; and

(b) no advertising sign may be located inside a prohibited area at any on and off-ramp of a motorway, whether local, provincial or national and in relation to overhead road traffic signs.

(3) Any advertising sign on a public street or facing a public street, including any Provincial Road, controlled by road traffic signs must in addition to any other requirement in terms of these By-laws, comply with the following requirements:

(a) no advertising sign may have red, amber or green as its main colours;

(b) no advertising sign may obscure or interfere with any road traffic sign;

(c) any advertising sign must be clear of any road traffic signs concerned and must be positioned in compliance with the following:

(i) no free-standing on-premises advertising sign greater than 8m<sup>2</sup> in extent shall be allowed within a 50m radius from the centre of an intersection;

(ii) no street furniture used for advertising or a sign containing the name of a suburb and an advertisement at an intersection may be within 5m from any road traffic sign;

(iii) except for advertising signs flat against a building and construction site advertising signs, any other third party advertising sign must be positioned at least 50m from the centre of an intersection; and

(4) Traffic flow may not be impeded during the erection and maintenance of an advertising

sign located in a public street, unless prior permission has been obtained and necessary precaution arranged with the Council.

(5) No advertisement displayed on a freestanding third-party advertising sign on any property may exceed:

(a) in an area of partial control, 40m<sup>2</sup>; and

(b) in an area of minimum control, 120m<sup>2</sup>,

(6) The height of an advertising sign may not exceed 12m with a clear height of 2,1 m Provided that the Council may in granting an application in terms of section 4(2), approve a height in excess of those mentioned above.

**7. Power cables and conduits to signs**

(1) Every power cable and conduit containing an electrical conductor for the operation of an advertising sign must be so positioned and attached so that it is not unsightly.

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(2) No advertising sign may be connected to any electricity supply without the prior written permission of the electricity supply authority concerned and such permission must, on request by an authorised official, be presented to him or her by the owner of the advertising sign concerned.

### **8. Exempt Advertising Signs and Advertisements**

(1) The following advertising signs and advertisements are exempt from the provisions of these By-laws:

(a) an advertising sign when situated in an arcade;

(b) an advertising sign when advertising a current event in a cinema, theatre or other place of public entertainment, displayed in a fixture or on a building intended for such display;

(c)(i) an advertising sign on a property 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 on which the activity concerned is described and the name of any architect, contractor or consultant concerned in such activity is displayed and the branch of the industry or the profession involved is specified, provided:

(aa) only one such sign, or set of signs is permitted per street frontage of a property; and

(bb) such sign is placed on or affixed to the building concerned or attached to the boundary wall or fence of the property on which the activity is taking place; and

(cc) such sign is removed within 21 days of the completion of the activities contemplated in this paragraph;

(ii) an advertising sign contemplated in this paragraph may not exceed:

(aa) 8m<sup>2</sup> in extent and with a maximum erected height of 6m, if the names of architects, consultants and contractors or all of them are displayed; or

(bb) 2m<sup>2</sup> in extent if the names of the contractor, sub-contractor, or both of them, are displayed.

(d) in an area of maximum control as specified in the Schedule, an advertisement consisting of one metal plate or board not exceeding 600mm x 450mm in size, displaying the name, address and telephone number of a security company contracted to protect a property and

(e) a single advertisement not exceeding 600mm x 450mm in size on any street boundary of

a property or portion of a property on which the existence of a security service or burglar alarm system is displayed;



(f) not exceeding 2m<sup>2</sup> in extent attached to a boundary wall or fence of a property on which the existence of a security company or protection service conducted on that property is displayed;

(g) a transit advertising sign which is mobile at all times when an advertisement is displayed;

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(h) an advertising sign containing only the name of a hotel, shop or restaurant and displayed on an awning of the building concerned; and

(i) an on-premises advertising sign comprising:

(aa) any non-illuminated advertising sign not projecting over a public street and not exceeding 8m<sup>2</sup> in extent displaying the trade, business, industry or profession conducted by any occupant or resident of the building to which such sign is attached, and the name of such occupant and resident, the address and telephone number of the occupant and resident and the hours of business; provided only one such sign per occupant or resident is displayed; and

(bb) any advertising sign not exceeding 12m<sup>2</sup> in extent, incorporated in the face of a building and a sign forming an integral part of the fabric of a building, not on or attached to the building in any manner.

(j) any advertising sign(s) which is a Council approved initiative which is deemed to be in the public interest or which is deemed to be of local, Provincial or National interest.

(2) The following advertising signs and advertisements are exempt from compliance with the provisions of section 3 but must comply with any other applicable provision of these By-laws:

(a) any advertisements not in conflict with any provision of these By laws displayed on an advertising sign approved in terms of section 4(2);

(b) any advertising sign and advertisements displayed at or on public transport, shelters and stations;

(c) a poster relating to voter registration for the purposes of an election displayed by the Independent Electoral Commission in terms of section 28;

(d) a poster advising of a national, provincial government or local government event or activity, subject to compliance with section 28;

(e) a poster advising of an event, activity, function or meeting organised by a registered political party, subject to compliance with section 28;

(f) an advertising sign provided for in terms of sections 10, 11, 12, 15(1), 18, 19, 20(1) and 23, and complying with the applicable requirements of those sections.

(g) an advertising sign not exceeding 2 square metres indicating the existence of a Block or Neighbourhood Watch System, Community board, displayed on a boundary wall or fence or in a position approved by the Council.

(h)an advertising sign for hawkers once a permit has been issued in terms of the relevant by-laws which is limited to two signs per hawker and which must be removed daily at close of business of such hawker.

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(3) Any advertising sign referred to in subsection (2) which does not comply with any provision of these By-laws relating to such sign, may only be erected or displayed after approval of an application in terms of section 4(2).

### **9. Prohibited signs**

In addition to any other prohibition, expressed or implied, in these By-laws, no person may erect, maintain or display any advertising sign:

- (a) painted on, attached to, or attached between the columns or posts of, a veranda;
- (b) which projects above or below a fascia, bearer, beam or balustrade of a veranda or balcony fronting on a public street;
- (c) which is luminous or illuminated and which is attached to a fascia, bearer, beam or balustrade of any splayed corner of a veranda or balcony fronting on a public street;
- (d) on calico, paper machete, plastic, woven or similar material unless
  - (i) it is an advertising sign contemplated in section 19 or 20;
  - (ii) it consists of a flexible face and forms part of an advertising sign approved in terms of section 4(2);
- (e) which is a swinging sign, not rigidly attached to any building or structure;
- (f) which may obscure, or be mistaken for, or interfere with the functioning of, a road traffic sign;
- (g) which may endanger the safety of motorists by restricting their vision or line of sight;
- (h) which is indecent or suggestive of indecency, prejudicial to public morals, or is insensitive to the public or any portion thereof or to any religious or cultural group;
- (i) which obstructs any window or opening in a building provided for the ventilation of that 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 of a building to another part thereof;
- (j) which is an animated or flashing advertising sign, the frequency of the animations or flashes or other intermittent alternations of which may disturb the residents or occupants of a building or is a source of nuisance to the public or detrimentally affect or pose a risk or threat to road traffic or pedestrian safety;
- (k) which is an illuminated advertising sign, the level of illumination of which disturbs the residents or occupants of a building or is a source of nuisance to the public or a portion of the public;
- (l) which is a movable either temporary or permanent advertising sign, other than those allowed in terms of these By-laws;
- (m) if the extent of the advertising sign exceeds 30m<sup>2</sup> and it is painted or fixed on a wall of a building other than a front wall of that building, unless such sign has been permitted in terms of section 14(3).

- (n) which is painted on or attached to a boundary wall or fence which wall or fence has not been approved as an advertising sign in terms of section 4(2);
- (o) which is a transit advertising sign and parked in or in view of any public place irrespective of whether it is attached to a vehicle or not which does not display the approval-risk of Council at all times as per section 26(2) of the by-laws;
- (p) which is attached to a road traffic sign or a tree;

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- (q) which is on a road island, excluding street light pole advertising signs;
- (r) which is attached to a security access control structure to any area property or building;
- (s) which is a flag displaying a third party advertisement on a property zoned for residential purposes in terms of an applicable town planning scheme and used for such purposes;
- (t) subject to section 16(1), on a property where the main land use is residential in nature;
- (u) which is a gantry which is suspended or extended across a public street;
- (v) which is a painted third party advertising sign onto the roof of any building;
- (w) on any motorway or on or within any on- or off-ramps of motorways whether local, Provincial or National motorways.

### **Chapter 4**

#### **Provisions relating to specific advertising signs**

##### **10. Signs suspended under verandas or canopies**

Any advertising sign which is suspended under a veranda or a canopy, must comply with the following requirements:

- (a) unless otherwise permitted by an approval in terms of section 4(2), such sign must be fixed with its face at right angles to a boundary of a public street on which the property concerned fronts;
- (b) no part of such sign may project beyond the outer edge of the veranda or canopy from which it is suspended;
- (c) such sign must have a clear height of at least 2,75m;
- (d) the top of such sign may not be more than 1m below the canopy or veranda from which it is suspended or more than exceed 1m in thickness;
- (e) unless otherwise permitted by an approval in terms of section 4(2), the bottom edge of such sign when suspended must be horizontal and the supports by means of which it is suspended must be an integral part of the design of such sign.

##### **11. Signs on verandas or canopies over public streets**

(1) Any advertising sign affixed to or onto a veranda or canopy which extends over a public street:

- (a) must be set parallel to the building line on the property concerned;
- (b) may not exceed 600mm in vertical dimension; and
- (c) must be attached immediately above the eaves of a veranda or canopy roof in such a manner that it does not project beyond the rear of the roof gutter or must be fixed against but not extending above or below the veranda parapet or balustrade in such manner that it projects more than 230mm from the outside face of such parapet or balustrade.

(2)An advertising sign on a building in which public entertainment is presented, attached to a veranda or canopy extending over a public street and which displays only the features or programmes of the entertainment to be presented in such building, may not exceed:

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(a) an area of 1m<sup>2</sup> in the aggregate for every 1.5m or part thereof of the frontage of such building on the public street over which such sign is erected; and

(b) 1.2m in height.

(3) Nothing in this section prohibits the painting of an advertisement on or the display of advertisement not exceeding 600mm in thickness on a beam over a veranda column or on a parapet of a veranda contemplated in subsection (1).

**12. Projecting signs**

(1) Any projecting sign must be set at right angles to the building line and must maintain a clear height of not less than 2,75m.

(2) Subject to the provisions of subsection (3), no sign contemplated in subsection (1) may either exceed 600mm in height, 300mm in thickness nor project more than 900mm. from the building to which it is attached.

(3) A projecting sign larger than that specified in subsection (2) may be erected, subject to compliance with the following requirements:

(a) such sign must be constructed of metal framing and covered with metal sheeting;

(b) such sign may not exceed 9m in height or project more than 1.5m from the building concerned, or in the case of a sign consisting only of the name of a building used for the public, 14m in height or project more than 1.8m from the building concerned;

(c) such sign must be supported by at least four iron brackets firmly fixed to the building concerned, any two of which must be capable of carrying the entire mass of the sign; and

(d) such sign must be adequately protected from wind pressure by the use of effective braces and stays.

**13. Pylon signs for on-premises advertising**

(1) For the purposes of this section "pylon" includes any pylon, mast, tower or similar structure to which an advertising sign is attached, supported by or displayed on or which is constructed as an advertising sign or a combination of such signs, for the purpose of on-premises advertising.

(2) Any pylon must be independently supported and for that purpose it must be firmly secured to an adequate foundation in the ground and be entirely self-supporting without the aid of guys, stays, brackets or any other restraining device.

(3) The dimensions of a pylon and its associated advertising sign must be such that the entire assembly, whether stationary or actuated, can be contained within a notional vertical cylindrical figure having a diameter of 9m and a height of 12m.



(4) No activated or protruding part of a pylon sign or of an advertising sign associated with it may be less than 2.4m above the highest point of the existing ground level immediately below that pylon.

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(5) No free standing advertising sign as contemplated in subsection (1) shall have a single advertising display exceeding 18m<sup>2</sup> and 24m<sup>2</sup> for a combination of such signs.

### **14. Advertising signs placed flat on buildings and on bridges**

(1) The total area of an advertising sign placed flat or painted on a wall of a building may not exceed 20m<sup>2</sup> for every 15m of the frontage of the building concerned facing a public street.

(2)(a) no on-premises advertising sign contemplated in subsection (1), may exceed 40m<sup>2</sup> in extent in an area of partial control, and 80m<sup>2</sup> in an area of minimum control.

(b) no third party advertising sign contemplated in subsection (1) may exceed 80m<sup>2</sup> in an area of partial control, and 200m<sup>2</sup> in an area of minimum control.

(3) Notwithstanding the provisions of subsection (2)(b), it may in an approval in terms of section 4(2) be permitted or required that the dimensions of any such sign be greater than those specified in that subsection, if:

(a) it is in the interests of the aesthetic appearance of a building or wall on which

an advertising sign is placed as contemplated in subsection (1), and of the neighbourhood where such building or wall is situated, if the building or wall is situated in appropriate areas of minimum control;

(b) it is in the town regeneration areas, as indicated in the Council's Spatial Development Framework, of the area of jurisdiction of the Council where an urban renewal programme on the said building or area concerned as determined by Council, is being undertaken and the approval of such sign in terms of section 4(2) is subject to an annual prescribed financial contribution to be utilised for an Town Regeneration project.

(4) No advertising sign attached to a bridge, irrespective of its ownership, may exceed 20m<sup>2</sup> in extent in an area of partial control, or 40m<sup>2</sup> in extent in an area of minimum control, and must have the prior written approval of the relevant authority.

### **15. Signs relating to the development of townships and properties**

(1) An advertising sign exempted in terms of section 8(2) and relating to the development of a township or property and the disposal of property in a township may be displayed, provided the following requirements are complied with:

(a) If such advertising sign relates to the laying out or development of any land as a township or for the disposal of any erven in a township or a property development

(i) it may not be erected prior to the land-use rights being promulgated in terms of the Townships and Town-planning Ordinance 1986 (Ordinance 15 of 1986) or any other applicable law; and

(ii) may not exceed 18m<sup>2</sup> in extent or an erected height of 8m;

(b) such advertising sign must be located on the site of the proposed township or property development; and

## **BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

(c) any such advertising sign must be removed within 90 days of a development being completed or in respect of a property for sale or to let, within seven days after the sale or letting concerned.

(2) If an advertising sign contemplated in this section does not comply with subsection (1), an application for approval of such sign must be made in terms of section 3(3).

### **16. Requirements for Sky Signs**

(1) Notwithstanding section 9(t), a sky sign may be erected on a building where the main use is residential or which is used as a residential building as long as the sign has no visual impact on the occupants of the building itself or any other building in the immediate area which is used for residential purposes or as a residential building.

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

(3) In an area of minimum or partial control as specified in Schedule 1 to these By-laws, every sky sign must be set against a screen complying with the requirements of section 17.

(4) No part of a sky sign may protrude beyond, above or below the edge of the screen required in terms of subsection (2).

(5) No sky sign may exceed 300m<sup>2</sup> in extent: Provided that the Council may for a third party advertising sign allow a greater extent.

(6) If the number of storeys contained in that part of a building which is directly below a sky sign is:

(a) one to five storeys; or

(b) six or more storeys, the vertical dimension of such sign may not exceed 3,0m and 5,0m respectively: Provided that the Council may in terms of section 4(2) approve a third party advertising sign which is a sky sign with a greater dimension.

### **17. Screens for Sky Signs**

(1) Every screen for a sky sign contemplated in section 16 must comply with the following requirements:

(a) every screen must be located and constructed to form a continuous enclosure effectively concealing the frame and the structural components of any sky sign from view, and, if it is required or allowed in an approval in terms of section 4(2)

(i) such screen and structural component must be screened from any adjacent or other property;

(ii) the provisions of paragraph (a) requiring a continuous enclosure may be relaxed if the walls of any building on a property contemplated in subparagraph (i) are of a height and construction that such walls will effectively conceal such frame and structural components and do not contain openings overlooking them.

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- (b) unless the Council otherwise allows, no part of a screen may protrude beyond the perimeter of the building on which it is constructed;
- (c) the gap between the bottom of a screen and that part of the building immediately below it may not exceed 100mm;
- (d) no vertical dimension of any screen may exceed one-and-one-half times the vertical dimension of a sky sign specified in section 16(5) : Provided that if the screen also encloses a lift motor room, tank or other structure on the roof of the building concerned, the vertical dimension of the screen may be increased to the same height as such room, tank or structure; and
- (e) if the material of which the screen is made has an open mesh or grid formation:
  - (i) the openings in such mesh or grid must be uniform; and
  - (iii) the aggregate area of the openings may not exceed 25% of the area of the screen; and
  - (iv) no dimension of any such opening may exceed 100mm : Provided that the Council may allow the erection of a screen not complying with this paragraph, if the requirement of concealment in terms of paragraph (a) is met.

**18. Signs on residential buildings, dwelling houses and dwelling units**

The following advertising signs exempted in terms of section 8(2), may, without the approval of

the Council, be displayed on a residential building, dwelling house or dwelling unit where applicable, subject to the following requirements:

- (a) a single sign not exceeding 600mm by 450mm displaying the name only of a residential building; and
- (b) a sign not exceeding 600mm x 450mm displaying the name of the person owning or managing a residential building, such person's logo and telephone number, provided such sign
  - (i) is attached to or built into a wall or the building or a freestanding wall or boundary wall or fence or a freestanding pole on the property concerned;
  - (ii) is not illuminated; and
  - (iii) is limited to one of each sign referred to in paragraph (a) and (b), per street frontage of the property concerned; and

(c) a sign not exceeding 2m<sup>2</sup> specifying the name and profession or occupation of an occupant of the property concerned attached to a boundary wall or fence, or the entrance door of a dwelling house or dwelling unit.

## **19. Sun-blind advertisements**

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An advertisement on any sun-blind exempted in terms of section 8(2), may be displayed without the approval of the Council, subject to compliance with the following requirements:

- (a) a sun-blind must be so made and attached to a building that it is incapable of being lowered to a height lower than 2m above the footway or pavement of a public street;
- (b) except at an intersection, a sun-blind must be placed parallel to the building line of the property concerned; and
- (c) at any intersection a sun-blind must be placed so that it does not cause any interference with or endanger vehicular or pedestrian traffic, or a traffic sign, street nameplate or other notice for the guidance or information of the public.

## **20. Advertisements on banners, flags and similar objects**

(1) An advertisement exempted in terms of section 8(2) on any banner, streamer, flag, paper, paper machete, plastic sheet or other similar pliable material or on calico or other woven material may only be displayed for the following purposes:

- (a) advertising a function or event conducted for religious, educational, social, welfare, animal welfare, sporting, civic or cultural purposes, or a function or event relating to an election; and
- (b) the display of the name, corporate symbol and nature of any enterprise.

(2) Every person to whom approval has been granted in terms of section 4(2) in respect of

an advertisement contemplated in subsection (1), but not exempted in terms of Section 8(2), must comply with and ensure that the following requirements are complied with:

- (a) not more than two advertisements in respect of the same matter are permitted in an urban or rural area of maximum control or four banners or flags in respect of the same matter in an urban area of partial and minimum control as contemplated in the Schedule;
- (b) a maximum of ten banners or flags may be displayed at any shopping centre;
- (c) every advertisement must be attached to a pole or suspended between poles or other supports on the property upon which the activity contemplated in subsection (1)(a) is to take place; and



(d)no advertisement may be displayed for more than seven days prior to the date of the activity advertised and must be removed within three days after the conclusion thereof.

## **21. Advertisements on blimps**

(1)A blimp containing an advertisement may, subject to the approval of the Council in terms of section 4(2), be used for a period not exceeding 24 months and may be airborne during daylight hours only.

(2)The Council must, for the purposes of considering an application for approval in terms of section 3 of an advertisement to be displayed on a blimp, have regard to:

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

**22. Painted advertisements**

Subject to the approval of the Council in terms of section 4(2):

- (a) the name of any person carrying on business in a building may be painted directly on a wall of that building;
- (b) a third-party advertisement may be painted directly onto any surface, subject to section 9(v).

**23. Advertising signs relating to selling and letting of property**

(1) Any of the following advertising signs relating to the letting or selling of property, may be displayed without the approval of Council:

- (a) a sign not exceeding 600mm x 450mm in size containing the words "for sale", "to let" or "sold" in respect of a dwelling house or residential building and displaying only the name, address and telephone number of the owner of the property or his or her estate agent, must be
  - (i) placed on or attached to the building concerned;
  - (ii) attached parallel to a boundary fence or wall of the property concerned;
  - (iii) otherwise displayed within the boundaries of the property concerned;
  - (iv) on that part of a public street, other than the roadway, on which the property concerned fronts and directly in front of such property; and
  - (v) limited, if an estate agent is involved, to one sign per estate agent per property;

(b)a single sign per street frontage of a property not exceeding 600mm x 450mm in size, which contains only the word "sold" and the name address and telephone number of the estate agent concerned, in respect of any dwelling house, or residential building, and which:

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- (i) is displayed only after every sign specified in paragraph (a) has been removed;
- (ii) is placed, attached or displayed as specified in paragraph (a)(i), (ii) or (iii);
- (c) a single sign not exceeding 6m<sup>2</sup> in extent per building flat on the facade of a non-residential building which contains only the words "for sale", "to let" or "sold" and the name, address and telephone number of the owner or his or her estate agent, or only the word "sold" and the said particulars of the estate agent, for a period not exceeding 90 days;
- (d)(i) a sign not exceeding 600mm x 450mm in size, displayed on a vacant residential property, which displays only the words "for sale" and the name, address and telephone number of the owner or his or her estate agent concerned, or only the word "sold" and the name address and telephone number of that agent;
- (ii) a for sale sign must be limited to one sign per estate agent and may be displayed for a period not exceeding 90 days; and (e) a single sign not exceeding 6m<sup>2</sup> in extent per property, on a vacant non-residential property, on which the words "for sale" or "to let" and the name, address and telephone number of the owner or his or her estate agent are displayed or the word "sold" and the name, address and telephone number of the estate agent concerned, may be displayed for a period of not exceeding 90 days;
- (2) Not more than five directional signs and only on show days indicating the position of a property for sale or to let may be displayed by an estate agent and "show days" shall mean from 12H00 to 17H00 on Sundays only.

### **24. Other temporary advertising signs**

- (1) Any directional sign displayed by the Automobile Association of Southern Africa advertising an event may be displayed without approval contemplated in section 3(1).
- (2) Any advertising sign not exceeding 4m<sup>2</sup> in extent and not more than 3m above the ground level immediately below it, containing an advertisement relating to a sale in execution consequent upon the decision of a Court of Law or an auction or a sale by a liquidator or a trustee in an insolvent estate to be held on or relating to a property, may be displayed on that property for not more than seven days before the sale or auction, or for more than three days after the conclusion of the sale or auction.
- (3) The Council may approve temporary advertising on property owned by, vested in or controlled by it for a period not exceeding 180 days.

### **25. Advertisements on construction sites**

(1) The Council must, for the purposes of considering an application in terms of section 3(3) for an advertisement to be displayed on the boundary or fence of or scaffolding on a construction site for a period set out in the building schedule but not exceeding 12 months, have regard to the following considerations:

- (a) the zoning of the property concerned in terms of an applicable town planning scheme and the general ambience of the area where the proposed sign is to be displayed;

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**BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

- (b) the aesthetic effect of the sign on the amenity of the area concerned and its surroundings;
  - (c) the area of control set out in the Schedule, applicable to the property concerned and its surroundings; and
  - (d) the distance of the proposed sign from every other approved and existing advertising sign within a radius of 200m.
- (2) An advertisement specified in subsection (1) is only allowed in an town areas of partial or minimum control and
- (a) may only be permitted on scaffolding which is against a building under construction or on a hoarding, fence or wall on the boundary of a construction site which has been erected to enclose that site during construction;
  - (b) may only be erected if it will conceal an unsightly condition arising out of the use to which the property concerned is put and if such sign will make a positive contribution to the visual environment; and
  - (c) may not be placed on the top of a boundary fence or wall unless it is positioned so that there is no gap between the advertisement and the wall or fence.

**26. Transit advertising**

- (1) A transit advertising sign containing an advertisement may only be displayed if it is mobile or displayed at specific designated locations approved by Council;
- (2) Upon approval of an application for a transit advertising sign, a disc will be issued by the Council which must be displayed at all times on the transit advertising sign itself;
- (3) If a transit advertising sign is used in contravention of subsections (1) and/or (2) above or any other provision of these By-laws, an authorised official may, without prior notice, remove and impound such sign.
- (4) Any transit advertising sign impounded in terms of subsection (2), must be kept by the Council for a period of 30 days from the date of impoundment and an authorised official must in writing notify the owner of such sign of the impoundment if the address of the owner can be ascertained.
- (5) An owner of a transit advertising sign impounded in terms of subsection (2) may claim such sign within the period specified in subsection (5) subject to payment of a prescribed fee.
- (6) The Council may if an advertising sign is not claimed by its owner within the period of 30 days referred to in subsection (3) destroy or otherwise dispose of the advertising sign concerned.

(7) The Council may recover the prescribed fee from any owner who has not claimed his or her transit advertising sign in terms of subsection (4).

## **Chapter 5**

### **Posters**

## **BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

### **27. Approval of posters**

(1) No person may, except for newspaper posters and subject to the provisions of section

28, display any poster in, or in view of, any public place unless he or she has first obtained the written approval of the Council.

(2) Approval in terms of subsection (1) may only be given for the display of a poster which does not relate to third party advertising.

(3) Application for approval contemplated in subsection (1) must be made on a prescribed form and must be accompanied by:

- (a) details in writing of every township and street in which the posters concerned are to be displayed;
- (b) by the prescribed fee; and
- (c) an example of every poster to which the application relates;
- (d) an example of the frame in which the posters will be displayed.

(4) Every poster for which permission is granted as contemplated in subsection (1) must be provided with a sticker supplied by the Council and only a poster with such sticker may be displayed;

(5) The Council may retain one poster to which an application in terms of subsection (3) relates for identification purposes.

(6) Any person who displays a poster, for which approval has been granted as contemplated in subsection (1), must comply with and ensure that the following requirements are complied with:

- (a) no poster may be displayed that it has a clear height lower than 2.1 m or higher than 3m
- (b) no poster may be indecent or suggestive of indecency, prejudicial to public morals or reasonably objectionable;
- (c) no poster may be displayed on any motorway and on any on- and off-ramp relating to a motorway; whether a local, provincial or national motorway;
- (d)(i) every poster other than a poster contemplated in section 28 must be displayed in a frame and in a location approved by the Council;



(ii) a frame referred to in sub-paragraph (i) may not exceed:

(aa) 600mm in height x 450mm in width in respect of any poster displaying a newspaper headline; and

(bb) 900mm in height x 600mm in width in respect of any other poster;

(e) a poster with a frame contemplated in paragraph (d) may only be attached to an electric pole in a public place;

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- (f) a frame referred to in paragraph (e) must:
- (i) be secured in such a manner that it will not become wholly or partially dislodged by wind or any other means; and
  - (ii) positioned in such a manner that it does not obscure or interfere with the electrical inspection chamber or pole identification number of the pole to which it is attached; and
  - (iii) not impair the safety of motorists or pedestrians.
- (g) no poster may be displayed within 20m of an intersection, controlled by a road traffic sign;
- (h) no poster relating to a meeting, function or event, other than a national election or relating to the registration of voters, may be displayed for a period exceeding ten days before the date on which such meeting, function or event commences or longer than four days after the date on which it ends;
- (i) the name and contact details of the person displaying any poster, details of the event advertised, the commencement and final date of the event and the venue with address where it is to be held must appear on every poster.
- (j) no poster may be displayed for a period exceeding 28 consecutive days for any event advertised; and
- (k) no poster may be affixed by means of adhesive directly onto any surface of any private or Council property or asset.
- (7) Subject to approval contemplated in subsection (1), a number of posters not exceeding 80, advertising an auction to be held in consequence of an order of Court of Law as a sale in execution or a sale held by a liquidator or a trustee in an insolvent estate, may be displayed and must contain:
- (a) in the case of a sale in execution the relevant case number; or
  - (b) in the case of a sale by a liquidator or a trustee the reference number of the Master of the High Court.
- (8) (a) an authorised official may, without giving notice to anyone, remove any poster displayed without approval having been obtained in terms of subsection (1) or which is in conflict with any provision of these By-laws.
- (b) any poster removed in terms of paragraph (a), other than a poster which had to be damaged or destroyed in order to remove it, may be claimed by its owner within 21 days of its removal, and if not so claimed may be destroyed by an authorised official.

(c) if an owner claims any poster in terms of paragraph (b), the poster concerned must be returned to him or her subject to the payment of the prescribed fee.

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(d) the Council may recover the prescribed fee contemplated in paragraph (c) from any owner who does not claim his or her poster as contemplated in that paragraph.

### **28. Posters relating to election or voter registration**

(1) The following requirements must be complied with in respect of any poster relating to elections or voter registration:

(a) every poster must be attached to a board made of weatherproof material, in such a manner that it will not become wholly or partially dislodged by wind or any other means;

(b) no board or poster referred to in paragraph (a) may exceed 900mm in height x 600mm in width or be less than 600mm in height x 450mm in width;

(c) a board and poster referred to in paragraph (a) may only be secured to an electric light pole;

(d) a poster relating to:

(i) a candidate nominated for election may be displayed from the date of such nomination;

(ii) an election other than a poster referred to in paragraph (a), or voter registration, may be displayed from the a date

(aa) 14 days prior to the date of the proclamation in the Government or Provincial Gazette of the election or voter registration; or

(bb) if applicable, 14 days prior to the date of nomination of candidates, whichever date is earlier;

(e) any poster contemplated in this section, must be removed by the person displaying it within five days after conclusion of the election or voter registration, failing which, the Council shall within 10 days after the conclusion of the election or voter registration notify the relevant party to remove the posters within a time period specified, failing which, the Council may remove the posters itself against a prescribed fee per poster payable by the relevant party.

(2) (a) the provisions of section 27(6)(a), (b), (c), (e) (1) and (g), read with the necessary changes, apply in respect of any poster contemplated in this section, provided that such poster need not be placed in a frame.

(b)the provisions of section 27(8) read with the necessary changes apply in respect of posters not complying with the provisions of this section.

## **Chapter 6**

### **Miscellaneous**

#### **29. Maintenance of signs**

## **BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

- (1) (a) the owner of an advertising sign is responsible for maintaining that sign and the surrounding area so that it does not become unsightly or deteriorate to such a degree that it is in conflict with any provision of these By-laws.
- (b) an owner contemplated in paragraph (a), must carry out at least one annual inspection of an advertising sign with a view to satisfying himself or herself that it has been properly maintained as contemplated in paragraph (a) and forthwith carry out any necessary maintenance resultant upon such inspection.
- (c) an owner contemplated in paragraph (a), must keep a written record of any inspection made and maintenance carried out in terms of paragraph (b), must retain such record for a period of five years and must, on request by an authorised official, make such record available for perusal.
- (2) If, in the opinion of an authorised official, any advertising sign is in a dangerous or unsafe condition or has been allowed to fall into a state of disrepair or is in conflict with any requirement of these By-laws, he or she may serve a notice on the owner of such sign requiring him or her, at his or her own cost, to remove the advertising sign or take other steps relating to the maintenance specified in the notice, within a period so specified.
- (3) If an authorised official is of the opinion that an advertising sign constitutes an imminent danger to any person or property, he or she may without serving a notice in terms of section (2), or if such a notice has been served but not complied with within the period specified therein, he or she may remove that advertising sign or take other steps which he or she may consider necessary.
- (4) (a) if at any time, no advertisement is displayed on an advertising hoarding, the Council may serve a written notice on the owner of that hoarding requiring him or her at his or her own cost, to display an advertisement on that hoarding within a period so specified.
- (b) if a notice served in terms of subsection (1) is not complied with, the Council may, by notice in writing, require the owner of the advertising hoarding at his or her own cost to display a community message specified by the Council, until that owner displays an advertisement on the hoarding concerned.
- (c) the approval for an advertising hoarding in terms of these By-laws lapses if the owner on whom a notice has been served in terms of paragraph (b) fails to comply with the requirements of the notice within the period specified therein.

### **30. Costs of removal and storage**

- (1) The cost incurred by the Council for the removal and storage of an advertising sign, other than a poster, and other costs incurred by the Council as contemplated

in section 29, may be recovered from the owner of that advertising sign or any other person whose name or activity is displayed on that advertising sign.

(2) If an advertising sign has been removed in terms of section 29(3), an authorised official must in writing give notice to the owner of that sign, if his or her address can be ascertained, of such removal and that he or she may claim the advertising sign concerned.

## **BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

(3) Any advertising sign which has been removed and stored in terms of these By-laws may be released to its owner subject to payment of a prescribed fee.

(4) Any advertising sign removed and not claimed within 30 days may be disposed of by the Council.

(5) The Council shall be indemnified against any claim for loss or damage of any advertising sign in the removal thereof.

### **31. Documentation**

(1) The owner of a property upon which a sign or an advertising sign is erected, attached or displayed, must retain certified copies of all documentation relating to the application for approval of such sign in terms of these By-laws and the approval of the Council in terms of these By-laws, for as long as that sign is erected or displayed, and must on request by an authorised official, present such documentation.

(2) The owner of an advertising sign or advertisement who is not also the owner of the property or building on which such sign is displayed, must provide the owner of that property or building with a certified copy of all documentation contemplated in subsection (1), relating to such advertising sign.

### **32. Public participation process**

(1) After lodging an application in terms of section 3(3), the applicant must forthwith cause a notice in a prescribed form, to be published once in English and in one other official language newspaper circulating in the area in which the property to which the application relates is situated: Provided that no such notice may be published during the period from 12 December to 3 January of the following year, both dates included.

(2) (a) the applicant must from the date of publication of a notice in terms of subsection

(1), display a notice in a prescribed form in English and one other official language in a conspicuous place visible to the public on a street front of the property on which the proposed sign will be erected;

(b) the applicant must maintain a notice displayed in terms of paragraph (a), for a period of at least 21 days from the date of the publication of the notice in terms of subsection (1).

(3) A notice contemplated in subsections (1) and (2), must contain a statement (a) that details of the application concerned will be open for inspection at an address specified in the notice for a period of 21 days from the date of publication of the notice in terms of subsection (1); and (b) that any person may within the period specified in paragraph (a), submit comments or representations, or lodge an objection, in writing in respect of the application concerned.



(4) Any person proposing to submit comments or representations or lodge an objection as contemplated in subsection (3), must address such comments, representations or objections to both the Council and the applicant concerned at their respective addresses specified in the notices so contemplated.

## **BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

(5)The Council may if the proposed advertising sign will be visible from any property used for residential purposes, require the applicant to notify the owner of that property in writing of the application and obtain his or her written comments on the proposed advertising sign.

(6) (a) an applicant contemplated in subsection (1), must submit the original newspaper cuttings showing the notices and the date and name of the newspapers in which notices have been published in terms of subsection (1) and a photograph indicating the first and last date of the notice displayed in terms of subsection (2), accompanied by an affidavit confirming compliance with that subsection;

(b)the applicant must furnish proof to the satisfaction of the Council that he or she has complied with the provisions of this section.

(7)The Council may in its discretion exempt an applicant from complying with the above requirements on good cause shown.

### **33. Consideration of applications**

(1)If any written comments, representations or objections have been received in respect of an application from any interested party contemplated in section 32, the Council must consider all such comments, representations and objections before taking a decision on the application.

(2)An applicant may within 14 days after receiving any comments, representations or objections to an application, submit a written response thereto to the Council for consideration.

(3)If a response in terms of subsection (2) is not received by the Council within the period specified in subsection (2), it may take a decision on the application concerned without any notification to the applicant.

### **34. Termination of approvals of signs under previous By-laws**

(1)If approval for an advertising sign was given under the By-laws repealed by section 39 without specifying a period for the duration of that approval the Council may in agreement with the owner of that sign determine a date on which such approval will lapse.

(2)If agreement in terms of subsection (1) cannot be reached, the Council may, subject to compliance with the Promotion of Administrative Justice Act, 2000 (Act No.3 of 2000), determine a date contemplated in subsection (1), and notify the owner of the advertising sign concerned of its decision and that he or she may apply for approval for that sign in terms of section 3.

(3)If the owner of an advertising sign fails to submit an application in terms of section 3(2) within 60 days after being notified in terms of the date of an agreement in terms of subsection (1) or of a notification in terms of subsection (2) the

advertising sign concerned shall be considered to be erected or displayed without such approval.

### **35. Serving of notices**

Any notice that is required to, or may, be served, delivered or given in terms of, or for the purposes of, these By-laws, must be served in any of the following ways:

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**BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA  
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- (a) by handing a copy of the notice to the person concerned;
- (b) by leaving a copy of the notice at the person's place of residence, business or employment with any other person who is apparently at least 16 years old and in charge of the premises at the time;
- (c) by e-mailing a copy of the notice to the person, if the person has in writing furnished an e-mail address to the Council or an authorised official;
- (d) by handing a copy of the notice to any representative authorised in writing to accept service on behalf of the person;
- (e) if the person has chosen an address for service, by handing a copy of the notice to a person who is apparently at least 16 years old at that address;
- (f) by sending a copy of the notice by registered or certified post to the last known address of the person concerned, and, unless the contrary is proved, it is deemed that service was effected on the seventh day following the day on which the document was posted;
- (g) if the person is a company or other body corporate, by serving a copy of the notice on an employee of the company or body corporate at its registered office or its principal place of business within the Republic, or its main place of business in the area of jurisdiction of the Council, or if there is no employee willing to accept the service by affixing a copy of the notice to the main door of the office or place of business; or
- (h) if the person is a partnership, firm or voluntary association, by serving a copy of the notice on a person who at the time of service is apparently in charge of the premises and apparently at least 16 years of age, at the place of business of such partnership, firm or association or if such partnership, firm or association has no place of business, by serving a copy of the notice on a partner, the owner of the firm or the chairman or secretary of the managing or other controlling body of such association, as the case may be.

**36. Inspections**

- (1) In addition to any power of inspection which an authorised official may have in terms of these By-laws, he or she may for any purpose relating to the implementation and enforcement of these By-laws, between 08:00 and 17:00, on any day other than a Sunday or public holiday, carry out an inspection of any advertising sign.
- (2) An authorised official must, before the commencement of, or during an inspection in terms of subsection (1), at the request of the owner of an advertising sign or the owner of a property on which the advertising sign concerned has been erected or is displayed, produce written confirmation of his or her appointment as an authorised official empowered to carry out inspections for the purposes of these By-laws

(3)An authorised official carrying out an inspection in terms of these By-laws, must conduct himself or herself with strict regard to decency and orderliness and with due regard to any person's rights

## **BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

contained in the Bill of Rights set out in Chapter 2 of the Constitution of the Republic of South Africa, 1996 (Act No.108 of 1996).

### **37. Appeals**

(1) Any person whose rights are affected by a decision by an authorised official in terms of or for the purposes of these By-laws, may appeal against that decision to the Municipal Manager, appointed by the Council in terms of Section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), by lodging written notice of appeal, specifying the grounds of appeal within 21 days of the date on which he or she was notified of that decision.

(2) The Municipal Manager must commence consideration of the appeal and take a decision thereon within a reasonable time.

(3) The Municipal Manager must forthwith after a decision has been taken in terms of subsection (2), in writing notify the appellant thereof.

(4) An applicant, contemplated in subsection (1) may, on being notified of a decision in terms of subsection (3), in writing apply for reasons for the decision and the Municipal Manager must furnish written reasons to the applicant as contemplated in Section 5 of the Promotion of Administrative Justice Act, 2000.

### **38. Offences and penalties**

Any person who:

- (a) contravenes or fails to comply with any provision of these By-laws;
- (b) refuses or fails to comply with any notice served on him or her in terms of or for the purposes of these By-laws;
- (c) refuses or fails to comply with the terms or conditions of any approval issued in terms of these By-laws;
- (d) obstructs, hinders or interferes with an authorised official or other official of the Council acting under power delegated to him or her, in the exercise of any power or the performance of any duty under these By-laws;
- (e) fails or refuses to furnish to an authorised official or other official of the Council acting under power delegated to him or her, with any documentation or information required for the purposes of these By-laws or furnishes a false or misleading document or false or misleading information;
- (f) fails or refuses to comply with any instruction given in terms of or for the purposes of these By-laws; or

(g) pretends to be an authorised official or other official of the Council acting under power delegated to him or her, is guilty of an offence and;

## **BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

(i) liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 12 months;

(ii) in the case of a continuing offence, to a further fine not exceeding R 1 000, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been served on him or her by the Council or an authorised official requiring the discontinuation of such offence.

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

(1) Subject to the provisions of subsection (2), the Thaba Chweu Local Municipality Outdoor Advertising By-laws published under Local Authority Notice 1419 in Extraordinary Provincial Gazette No. 150 dated 13 June 2008, are hereby repealed.

(2) Anything done under or in terms of any provision of the By-laws repealed by subsection (1) is deemed to have been done under the corresponding provisions of these By-laws and such repeal does not, subject to the provisions of section 34, affect the validity of anything done under the By-laws so repealed.

(3) Any application in terms of the By-laws repealed by subsection (1), pending before the Council at the date of commencement of these By-laws must be dealt with in terms of these By-laws.

### **40. Title**

These By-laws are referred to as the Outdoor Advertising By-laws and will come into operation on date of promulgation of the By-laws in the Provincial Gazette.

### **Schedules**

#### **Classification of Areas of Control**

(a) the classification of the areas of control for the purpose of outdoor advertising is based on the current and (near) future zoning of the property/ erf concerned.

(b) the classification of the areas of control shall be determined by Council within the Jurisdiction of the Thaba Chweu Local Municipality, and if needs be, in consultation with the relevant roads authority, such as for the property along the provincial or national roads.

(c) the classification of the areas of control is dynamic because it is a function of the land use and may need to be updated and changed according to the changes in the land use for a specific property/ site.

(d) it should be noted that the classification for a single erf / site can be overridden by the surrounding area of control. This implies that although a specific site can be zoned in such a way as to be classified as a specific area of control, and the surrounding area is predominantly classified as a "higher/



more stricter" area of control, Council shall decide that such a site/ property be classified according to the predominantly "higher" area of control.

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**BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA  
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(e) the determination of areas of control shall also take cognizance of areas that have been designated by any relevant national or provincial legislation or policy as "no go" or sensitive areas with respect to any development.

**1. NATURAL LANDSCAPE - AREA OF MAXIMUM CONTROL**

(a) the "natural" landscape shall refer to the following parts of the rural or non-urban environment:

- (i) area in non-urban environment in an unspoilt natural state
- (ii) areas of high scenic value
- (iii) undeveloped natural landscapes and open spaces
- (iv) natural areas and open spaces

(b) natural landscapes shall include but shall not be limited to the following:

- (i) game reserves
- (ii) nature reserves
- (iii) wilderness areas
- (iv) extensive agriculture
- (v) agricultural holdings
- (vi) scenic corridors
- (vii) scenic landscapes
- (viii) national parks

**2. RURAL LANDSCAPE - AREA OF MAXIMUM CONTROL**

(a) rural areas form a transition between the developed urban areas and the relatively unspoilt natural areas. Typical land use shall include the following:

- (i) intensive agriculture area
- (ii) subsistence agriculture
- (iii) peri-urban smallholdings
- (iv) undeveloped/vacant agricultural land where the surroundings is still vacant and undeveloped

### **3. URBAN AREAS OF MAXIMUM CONTROL**

#### **BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA CHWEU LOCAL MUNICIPAL AREA**

(a) urban areas will be proclaimed township areas. If a site is not part of the proclaimed township scheme, it should be classified as rural or natural area. Urban areas can be classified as maximum control, partial control or minimum control.

(b) the following precincts are deemed sensitive to visual disturbance and shall be defined as urban areas of maximum control:

- (i) natural open spaces in urban areas
- (ii) urban conservation areas
- (iii) vacant/ undeveloped urban space areas
- (iv) interface of natural landscape with built-up areas
- (v) gateways as determined by relevant authorities
- (vi) residential areas/ properties
- (vii) bodies of water / Rivers
- (viii) ridges
- (ix) forests
- (x) open recreational areas
- (xi) architectural and historical sites
- (xii) characteristic vistas
- (xiii) heritage and protected areas/ sites
- (xiv) skylines

### **4. URBAN AREAS OF PARTIAL CONTROL**

(a) urban areas of partial control are, in most cases, characterized by a greater degree of integration and complexity of land use, facilities and activities that allows for limited freedom with regard to size, number and position of advertisements.

(b) where urban areas of maximum control and urban areas of minimum control, according to the land use, are adjacent to each other, an urban area of partial control will apply to protect the area of maximum control to be proliferated by advertisements. This will be a 50 m band between an area of minimum control and an area of maximum control.

(c) the band mentioned in (b) above will be measured from the edge of the area of maximum control into the area of minimum control.

(d) besides this area of 50m, the following areas will also be defined as urban areas of partial control:

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**BY-LAWS FOR THE CONTROL OF OUTDOOR ADVERTISING IN THE THABA  
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- (i) commercial enclaves in residential areas
- (ii) shopping centres
- (iii) suburban shopping centres & office parks
- (iv) ribbon development
- (v) educational institutions
- (vi) institutional premises
- (vii) sports fields, private open spaces or stadiums
- (viii) commercialized squares
- (ix) residential 1 properties with primary rights for offices in a commercial neighbourhood/precinct
- (x) government enclaves
- (xi) smallholdings of an urban nature

**5. URBAN AREAS OF MINIMUM CONTROL**

a) urban areas of minimum control can be seen as centres, areas and nodes of concentrated economic activity where the dominant concern and motivation is to conduct business and to sell products and services. This calls for the display of advertisements and signs in stronger and more obvious forms.

b) The following precincts are included in urban areas of minimum control:

- (i) concentrated economic activity
- (ii) commercial districts
- (iii) industrial areas & Industrial parks
- (iv) office precincts
- (v) institutions in an exclusive commercial neighbourhood or precinct
- (vi) commercial enclaves & shopping centres in Industrial areas & industrial parks
- (vii) entertainment districts
- (viii) prominent transport nodes (subject to other applicable Council or any other policies).

**Notice No: 46**

## PROVINCIAL NOTICE 50 OF 2019



## THABACHWEU LOCAL MUNICIPALITY



## BY-LAW RELATING TO IMPOUNDMENT

The Municipal Manager of the Thaba Chweu Local Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the By-laws relating to the Impoundment Bylaws for the Thaba Chweu Local Municipality as approved and adopted by Council on 28 February 2018 under Resolution No. A13/2018

**PREAMBLE**

In terms of Section 11(3)(m) of the Local Government Municipal Systems Act 2000 (Act 32 of 2000) the Municipality, in exercising its legislative and executive authority and in line with its integrated development plan (IDP) has identified the need to formulate Bylaws relating to Impoundment for its community and to be known as the Thaba Chweu Bylaws relating to Impoundment.

**PURPOSE AND SCOPE OF THIS BYLAW**

The purpose and scope of this Bylaw is to formulate and promulgate Bylaw relating to Impoundment which shall control and regulate impoundment within its area of jurisdiction of the Thaba Chweu Municipality

- Ensure that animals are detained / impounded to prevent animals from straying unattended on public roads or a public place
- Ensure that vehicles in contravention of this Bylaw or any other legislation is impounded for the safety and well being of the public

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## **PART 1**

### **GENERAL**

#### **1. DEFINITIONS**

In these bylaws, unless inconsistent with the context –

<b>the Act</b>	means the National Road Traffic Act, 1996 (Act No. 93 of 1996); and read with the National Road Amendment Act 64 of 2008;
<b>animal</b>	includes a horse, bovine, donkey, sheep, goat, pig, ostrich, dog, cat or the hybrid of any such animal, and " <b>animals</b> " will have a corresponding meaning;
<b>consent tow</b>	means any Tow of a Motor Vehicle initiated by the Vehicle Owner or operator of the vehicle or by a person who has possession, custody or control of the vehicle.
<b>Court</b>	means a Magistrate's Court having jurisdiction in the area in which the pound is situated;
<b>Disabled vehicle</b>	means a motor vehicle which has been damaged or rendered permanently or temporarily inoperative as the result of a collision or accident, as a result of wear and tear or mechanical failure, or as a result of any other cause, and of which a law enforcement agency has requested the removal.
<b>Driver of a Tow Truck</b>	means a person that drives a tow truck to accident scenes and performs an accident tow.
<b>Emergency lights</b>	means flashing, rotating or strobe lights that are mounted above the roof of the Tow Truck.
<b>Law enforcement scene</b>	means the scene of a crime, accident, or custodial arrest, or the location of a vehicle, which is a traffic hazard, a recovered stolen vehicle, or an abandoned vehicle.
<b>Magnetic tow light</b>	means a set of red lamps, connected to the Tow Truck, which are attached to the rear of the



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	Towed vehicle and, when lit, signal stop and turn movements of the Towed vehicle.
<b>Motor vehicle</b>	means a vehicle, defined in the Act as any other device designed to be self-propelled or transported on any public highway, road, or street.
<b>Municipality</b>	means the Thaba Chweu Local Municipality;
<b>Operator</b>	means any person operating a Tow Truck, regardless of whether the person owns the vehicle.
<b>owner</b>	<p>includes an owner who is known, or whose identity, with the exercise of reasonable diligence, can be ascertained, and in relation to any –</p> <ul style="list-style-type: none"><li>(a) animal, includes the agent of the owner or other person having the lawful custody or possession of such animal; or</li><li>(b) land means rural or urban land and includes the owner, lessee or lawful occupier of such land or his or her agent;</li></ul>
<b>pound</b>	means a pound established as contemplated in section 3;
<b>pound keeper</b>	means the person appointed from time to time as contemplated in section 4 and includes any person acting for or on behalf of the appointed pound keeper;
<b>public place</b>	<p>means any place to which the public has access including, without limiting the generality of the foregoing any –</p> <ul style="list-style-type: none"><li>(a) square;</li><li>(b) park;</li><li>(c) recreation ground;</li><li>(d) sports ground;</li><li>(e) open space;</li><li>(f) shopping centre on municipal land;</li><li>(g) unused or vacant municipal land; or</li><li>(h) cemetery;</li><li>(i) library</li><li>(j) municipal property</li></ul>
<b>public road</b>	means a public road as contemplated in section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996); and a road, street, or highway that has

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	not been discontinued and is a publicly maintained road or highway opened to and used by the public.
<b>Recovery</b>	means preparation for removing a disabled vehicle by a licensed tow vehicle for which a fee is charged.
<b>Rollback</b>	means a vehicle that is designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow an additional vehicle.
<b>service delivery agreement</b>	means a service delivery agreement as defined in section 1 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).
<b>Storage</b>	means in the event the damaged vehicle is transported to the pound and stored in a secure location to await repair or towing to another location.
<b>Tow</b>	means the recovery and movement of a Motor Vehicle using a Tow Truck.
<b>Tow trucks</b>	means vehicles that has been constructed or adapted for specific purpose of towing or carrying another vehicle that cannot be driven on its own and is fitted with a winch or some type of lifting equipment.
<b>Tow truck operator</b>	means a person who conducts a business involving the operation of any tow truck for the purposes of towing motor vehicles.
<b>Tow truck permit</b>	means a numbered tag issued by the Department authorizing a specific Tow Truck to be used to perform Non-Consent Tows, identified by a Tow Truck Permit number assigned by the Municipality.
<b>Towing vehicle</b>	means a vehicle used by a towing company and registered under a license pursuant to the prescribed road traffic regulations that authenticate tow truck to carry or remove a disabled vehicle.
<b>traffic department</b>	means the traffic department of the municipality
<b>Vehicle owner</b>	means a Motor Vehicle's legal or registered owner or such owner's authorized representative.

## 2. **APPLICATION**

This by-law apply to the area of jurisdiction of the Municipality, provided that nothing prevents any animal or vehicle detained in terms of this by-law from being impounded in a pound or any similar facility established by any other municipality, or other lawful authority.

## 3. **ESTABLISHMENT OF POUND**

3.1. The Municipality may establish a pound at any convenient place within its area of jurisdiction, provided that the Municipality may enter into a service delivery agreement with an institution or person mentioned in section 76(b) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), to provide for the establishment and operation of a pound to service its area of jurisdiction.

3.2. The Municipality must give notice of the establishment of a pound by publishing a notice in a newspaper circulating in the area of jurisdiction of the Municipality.

## 4. **APPOINTMENT OF POUND KEEPER**

The Municipality must, in terms of its human resource policy, appoint a suitably skilled and experienced person as a pound keeper, unless the pound is established and operated in terms of a service level agreement contemplated in section 3.1.

## 5. **POUND REGISTER**

5.1 The pound keeper must –

- (a) maintain a pound register containing the information of the animal or vehicle impounded, which must be available for public inspection at all reasonable times; and
- (b) complete the pound register immediately upon the acceptance into the pound of any animal or motor vehicle.

5.2 If the pound keeper –

- (a) neglects or refuses to comply with any of the provisions of subsection (1);
- (b) knowingly makes a false entry in the pound register;
- (c) fraudulently destroys or erases any previous entry in the pound register; or
- (d) wilfully delivers a false copy or extract from the pound register to any person, he or she commits an offence.

**PART 2****IMPOUNDMENT OF ANIMALS****6. TRESPASSING OF STRAYING ANIMALS MAY BE IMPOUNDED**

- 6.1. The owner of land upon which any animal is found trespassing may seize such animal, provided that such animal may not be removed to a pound before notice is given to the owner of the animal, where the particulars of such owner are known, in writing no less than 24 hours prior to the removal to the pound.
- 6.2. Any animal found straying unattended upon any public road or public place or on the verge of such public road or public place may be seized for impounding by –
- (a) a member of the South African Police Services;
  - (b) a member of the South African National Defence Force;
  - (c) a member of the Provincial Road Traffic Inspectorate;
  - (d) a member of an Animal Protection Organisation;
  - (e) an authorised municipal official, traffic officer or traffic warden; or
  - (f) the owner of any land through or alongside which such road passes or which abuts on such public place.
  - (g) an authorised municipal Service Provider
- 6.3. A person may not keep an animal, seized for purposes of impounding in terms of in subsections (1) and (2), for a period longer than six hours without supplying such animal with adequate food and water.
- 6.4. Any person who has seized an animal for purposes of impounding must comply with the provisions of the Code of Good Practice on the Handling and Transportation of Impounded Animals contained in Schedule 1.

**7. ANIMALS TOO VICIOUS, INJURED, INTRACTABLE OR WILD TO BE IMPOUNDED**

If a veterinarian or official contemplated in section 5(2)(a) to (e) is satisfied that an animal found trespassing on any land, or straying unattended upon any public road or public place, is too dangerous, vicious, injured, intractable or wild to be impounded, he or she may authorise the humane destruction or other disposal of the animal, after giving written reasons and written notice thereof to the owner of the animal where the particulars of such owner are known.

**8. RELEASE OF ANIMALS**

8.1. The owner of an animal, seized in terms of section 5(1) may apply to the owner of land contemplated in section 5(2) for the release of such animal prior to its removal to the pound.

8.2. The owner of land referred to in section 5(1) –

- (a) may release such animal forthwith; or
- (b) may refuse the release of the animal, whereupon he or she may apply to Court for authority to impound the animal or to claim any damages he or she may have suffered, in which event the Court may make any order, including an order as to costs that the Court deems just and equitable.

8.3. The owner of an animal seized in terms of section 5(2) may apply for the release of such animal prior to its removal to the pound, in which event the person who seized the animal must release such animal forthwith.

**9. CARE OF TRESPASSING ANIMALS**

A person may not work, use or ill-treat an animal found trespassing on any land or whilst it is in the process of being removed to a pound.

**10. POUND TO WHICH ANIMALS AND VEHICLES MUST BE TAKEN**

An animal seized for the purposes of impounding as contemplated in section 5, must be removed to the nearest accessible pound, by the shortest practical route, and within the shortest practical time: Provided that animals of different species must be separated at all times according to their species.

**11. INFORMATION TO BE SUPPLIED TO POUND KEEPER**

A person sending animals to the pound must advise the pound keeper in writing of –

- (a) the number and descriptions of the animals;
- (b) the land upon which they were found trespassing; and
- (c) the distance in kilometers, by the shortest practical route, between the place on such land where they were seized and the pound.

**12. ACCEPTANCE AT POUND OF ANIMALS TO BE IMPOUNDED**

The pound keeper may not refuse to accept an animal for impounding.

**13. NOTICE TO OWNERS OF ANIMALS**

13.1. The owner of an animal contemplated in sections 5(1), 6, 14(2)(b), 15(1)(c), 17(b), 21(1)(b), and 23(a), must be notified by –

- (a) addressing a written notice to him where his identity is known;
- (b) placing a copy of the notice to the owner on the Municipal Notice Board; or
- (c) publishing a copy of the notice in a newspaper that is generally in circulation in the municipality or where no such newspaper is generally in circulation, by posting a notice at the municipal offices in the town where the animal was found to be trespassing or straying.

13.2 If the details of the owner of an animal are unknown, the pound keeper must report the impoundment of the animal at the nearest police station.

**14. CARE OF IMPOUNDED ANIMALS**

14.1 The pound keeper –

- (a) is responsible for the proper care of all impounded animals;
- (b) must ensure that fresh water and sufficient food is available to impounded animals at all times; and
- (c) is liable to the owner of an impounded animal for any damage caused by his or her wilful or negligent acts or omissions.

14.2 If the pound keeper is of the opinion that an impounded animal is dangerously vicious, permanently disabled or so diseased or severely injured or in such a physical condition that it ought to be destroyed, he or she must notify a police officer and request him to act in terms of section 5 of the Animals Protection Act, 1962 (Act 71 of 1962).

**15. ISOLATION OF INFECTED ANIMALS**

If the pound keeper suspects, or is aware, that an impounded animal, or an animal to be impounded, is infected with any disease contemplated in the Animal Diseases Act, 1984 (Act No. 35 of 1984), he or she must –

- (a) provide separate accommodation for such animal;
- (b) immediately isolate the animal, and report the disease to the nearest State Veterinarian; and
- (c) immediately notify the owner of the animal of such disease in writing where the particulars of the owner are known to him or her.

**16. TREATMENT OF IMPOUNDED ANIMALS**

The pound keeper –

- (a) may not work or in any way make use of an impounded animal or permit any such animal to be worked or made use of by any other person; and
- (b) must ensure that all impounded male animals are at all times kept apart from female animals.

**17. IMPOUNDED ANIMALS THAT DIE OR ARE STOLEN OR INJURED**

If an impounded animal is injured, dies or is stolen, the pound keeper must –

- (a) record the injury, cause of death or theft in the pound register referred to in section 12;
- (b) notify the owner of the animal in writing of the injury, death or theft where the particulars are known to him or her; and
- (c) in the case of theft, report the theft to the nearest office of the SA Police Service.

**18. SALE OF IMPOUNDED ANIMALS**

18.1 The pound keeper must –

- (a) whenever any impounded animal has not been released within seven days from the date of its impoundment, apply to the Court for authority to sell the animal; and
- (b) in the application contemplated in paragraph (a), provide the Court with proof, where the particulars of the owner were known to him or her, that he or she lodged a statement as contemplated in subsection (2) with the owner

18.2 The statement contemplated in subsection (1)(b) must include –

- (a) the fees and costs due in terms of this by-law; and
- (b) the amount of any damages that the owner of the land on which the impounded animal trespassed, may have suffered.

18.3 The Court, whether the amounts set forth in the statement contemplated in subsection (1)(b) are disputed or not, must –

- (a) summarily enquire into the matter;

- (b) enquire whether notice was given to the owner of the animal by the pound keeper; and
- (c) make such order as it considers just and equitable, including an order:–
  - (i) as to costs; and
  - (ii) on the process to be followed by the pound keeper in the sale of the animal.

19. **POUND KEEPER MAY NOT PURCHASE IMPOUNDED ANIMALS**

The pound keeper, or a family member, or a close associate of the pound keeper, or any municipal employee, may not purchase an animal offered for sale at a pound sale, either personally or through any other person, directly or indirectly.

20. **ANIMALS UNSUCCESSFULLY OFFERED FOR SALE**

20.1 In the event that any animal is not sold as contemplated in section 21 –

- (a) the pound keeper must immediately advise the Court and the owner, where the particulars of such owner are known to him or her, of its estimated value and the fees and costs incurred; and
- (b) the Court may make such order as it may deem just and equitable.

20.2 If any animal that is not normally put up for sale at an auction is not claimed by its owner within 3 days of a written notice of such impoundment being served on the owner or within 3 days after the placement of an advertisement of such impoundment in terms of section 13, such animal may be put down and the costs for maintaining and putting such animal down may be recovered from the owner.

### **PART 3**

#### **IMPOUNDMENT OF VEHICLES**

21. **SALE OF IMPOUNDED VEHICLES**

21.1 Any vehicle which has been left in the pound for a continuous period of more than 14 days may, unless otherwise authorised by the Council, be sold.

21.2 The Council must take all reasonable steps to trace the owner of a vehicle in the pound and if, after the lapse of 7 days from the date of its removal the owner or person entitled to its possession cannot be found, the vehicle



may, subject to the provisions of subsection (3), be sold by the Council by public auction.

21.3 The Council must 14 days prior to the date of an auction sale publish a notice thereof in at least two newspapers circulating within the municipal area of the Council, but a vehicle may not be sold at the auction if at any time before the vehicle is sold, it is claimed by the owner or any person authorised by the owner or otherwise lawfully entitled to claim the vehicle and every prescribed fee payable in respect thereof in terms of this By-Law and all costs are paid to the Council.

21.4 The proceeds of a sale concluded in terms of this section must be applied first in payment of every fee and to defray the following:

- (a) The costs incurred in endeavouring to trace the owner in terms of subsection (2);
- (b) the costs of removing the vehicle and effecting the sale of the vehicle;
- (c) the pro-rata costs of publication in terms of subsection (3), taking into account the number of vehicles to be sold at the auction; and
- (d) the costs of keeping the vehicle in the pound which must be calculated at the prescribed rate,

21.5 Any balance of the proceeds, must be paid to the owner of the vehicle or any person lawfully entitled to receive it upon that person establishing his or her right thereto to the satisfaction of the Council and if no claim is established within one year of the date of the sale, the balance will be forfeited to the Council.

## 22. **VEHICLES MAY BE IMPOUNDED**

22.1 Vehicles may be impounded for the following reasons:

- Not being in a road worthy condition or illegal vehicle use or is a danger to public safety
- Not registered or expired registration or false registration or no licence plates
- No or expired permits
- No driver or unlicensed driver or expired licence
- Talking on a cell phone or texting while driving
- Reckless or inconsiderate driving
- Driving 45 km/h over the speed limit
- Causing undue noise / smoke
- Outstanding warrant of arrest
- Suspected drunk or intoxicated or drugged driver
- Racing or street car stunts or drag racing
- Failure to stop when requested to do so
- Operating illegally
- left standing or abandoned on a public road
- Causing a danger or an obstruction to traffic

- Cars parked in no stopping areas and in areas reserved for a particular class of car

22.2 Any vehicle may be seized for impounding by –

- (a) a member of the South African Police Services;
- (b) a member of the South African National Defence Force;
- (c) a member of the Provincial Road Traffic Inspectorate;
- (d) a member of the Fire Department;
- (e) an authorised municipal official; or
- (f) a member of the Traffic Department.
- (g) an authorised municipal Service Provider

### 23. **REMOVAL OF VEHICLE TO POUND**

A motor vehicle seized in terms of Section 22 may be for the purposes of being impounded removed to the nearest accessible pound.

### 24. **RELEASE OF MOTOR VEHICLES FROM POUND**

24.1 An owner of a motor vehicle may apply to release his/her motor vehicle from the pound upon:

- (a) proof that he/she is the registered owner of the said motor vehicle;
- (b) once the required fees, fines, service charges, tariff costs, tow fees have been paid.

24.2. Whilst the vehicle is in the pound it can be secured with a wheel clamp while the required fees, fine, service charges, travel and tow costs are in the process of being paid.

## **PART 4**

### **FEES, COSTS AND RELEASE**

### 25. **FEES AND COSTS PAYABLE**

The pound keeper must –

- (a) charge the owner of an impounded animal or motor vehicle the fees in its tariffs of charges as set by the Municipality from time to time as contemplated in section 75A of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and
- (b) in the case of an animal recover the cost of any dipping, medical treatment, inoculation or other treatment that may be necessary or required in terms of this by-law or in accordance with any other law.

**26. RELEASE OF IMPOUNDED ANIMALS AND MOTOR VEHICLES**

26.1 The pound keeper must immediately release an impounded animal or motor vehicle, and give the owner a receipt, provided that the owner:–

(a) provides sufficient and satisfactory proof of ownership of such animal; or motor vehicle

(b) pays the fees and costs contemplated in section 19.

26.2 If an impounded animal is an animal that is required to bear an identification mark as set out in the Animal Identification Act, 6 of 2002, and if such animal does not display such mark, the municipality may report the matter to the South African Police Services and may refuse the release of such animal upon receipt of a written instruction by the South African Police Services that the animal should remain impounded.

26.3 If the owner of an impounded animal or the impounded vehicle is unable to pay the fees or costs contemplated in section 19, the pound keeper may retain such animal in order to recover such fees or costs as may be due and payable.

26.4 Any risk attached to ownership of an animal or motor vehicle will pass to the person who provided proof of ownership when the pound keeper expresses his satisfaction that sufficient proof of ownership had been provided.

26.5. Once the required fees, fines, service charges and travel costs have been paid, the vehicle can be released before going to the pound.

26.6 The vehicle can be secured with a wheel clamp while the required fees, fines, service charges and travel costs are in the process of being paid.

**27. PROCEEDS**

All proceeds from the collection of fees and costs must be paid into the municipal revenue fund, provided that in the event that any impounded animal is sold at a price in excess of –

(a) the fees and costs incurred; and

(b) any damages awarded in terms of section 21(3)(c),

such excess must be paid to the owner within 30 days of the sale, unless the identity of the owner has not been established, in which event the excess must be paid into the municipal revenue fund.

**28. ACTION FOR RECOVERY OF DAMAGES**

Nothing in this by-law prevents the owner of land or any other person from instituting action against the owner of a trespassing animal, in any court with jurisdiction, for the recovery of damages suffered by reason of such trespassing animal.

**29. PROCEDURE TO BE FOLLOWED IN APPLICATION TO COURT**

An application to Court for –

- (a) the impoundment of an animal in terms of this by-law, must comply with the procedure contemplated in Rule 55 of the Rules of Court; and
- (b) the sale of an impounded animal in terms of this by-law, must comply with the procedure contemplated in section 66 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), and Rule 41 of the Rules of Court,

made by the Rules Board for Courts of Law in terms of section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), and published under Government Notice No. R.1108 in Regulation Gazette No. 980 of 21 June 1968, as amended from time to time, read with the necessary changes.

**30. INDEMNITY**

The Municipality, pound keeper and any officer, employee, or agent of the Municipality will not be liable for the death of, injury to or theft of any animal or the theft or damage of any motor vehicle during its impoundment.

**31. RELEASE AND UNLAWFUL SEIZURE OF MOTOR VEHICLE AND ANIMALS**

A person is not allowed to –

- (a) releases an animal that was lawfully seized for the purpose of being impounded;
- (b) unlawfully seize an animal or motor vehicle for the purpose of impounding it;
- (c) unlawfully impound an animal or motor vehicle;
- (d) interferes with the pound keeper in the execution of his duties
- (e) releases any animal from his property into a public place or road; or
- (f) contravenes or fails to comply with any provision of these Bylaws ;
- (g) fails to comply with any notice issued or displayed in terms of these Bylaws ;

- (h) fails to comply with any lawful instruction given in terms of these Bylaws ; or
- (i) obstructs or hinders, or improperly influences or attempts to do so, any authorised representative or employee of the Council in the execution of his or her duties or performance of his or her powers or functions under these Bylaws; is guilty of an offence and liable on conviction to a fine not exceeding R15.000.00 or imprisonment for a period not exceeding 6 months as regulated from time to time in terms of the Adjustment of Fines Act 101 of 1991.

## **PART 5**

### **OFFENCES, PENALTIES AND SCHEDULES**

#### **32. SCHEDULES 1 AND 2 FORM PART OF THIS BY-LAW**

Schedules 1 and 2 to this by-law form part of this by-law for all purposes.

#### **33. REPEAL OF EXISTING BY-LAWS**

The previous by-laws and any other provision in any other by-law that is inconsistent with the provisions of this by-law are hereby revoked:

#### **34. SHORT TITLE AND COMMENCEMENT**

This by-law will be called the By-law relating to Impoundment

#### **35. EFFECTIVE DATE**

This By-Law shall come into force and effect upon its approval by the Thaba Chweu Local Municipality

#### **36. COPIES OF BY-LAW**

The pound keeper must ensure that copies of this by-law are available at the pound for inspection.

**SCHEDULE 1**  
**Code of Good Practice on the Handling and Transportation of Impounded Animals**  
*(Section 5(4))*

**PART I: Paddock requirements**

1. Different species of animals must be kept in separate paddocks.
2. Animals may not be penned in overcrowded paddocks, and penning space provided for in each paddock must be sufficient to permit all animals to lie down at the same time and must not be less than 1,5 square metres of floor area for each animal.
3. Fractious animals may not be kept with other animals.
4. Young, weaned juvenile animals, may not be penned with adult animals, except in the case of mother and offspring.
5. Provision must be made in paddocks for –
  - (a) facilities such as racks, mangers or other suitable feed containers that are easy to clean, which will allow the feeding of an animal off the floor, and which can be serviced without disturbing the animals;
  - (b) water troughs with an adequate supply of suitable fresh water at all times;
  - (c) sufficient facilities for the adequate cleaning of paddocks; and
  - (d) facilities for the safe handling of animals.
6.
  - (a) The paddocks must at all times be maintained in a good state of repair.
  - (b) Sharp points such as wire ends, broken boards, jagged ends or protruding hinges or bolts, which could cause injury to animals, must be removed or otherwise suitably covered.
7. The floor of the entire paddock, including the off-loading banks, races, and passages, must be so constructed as to provide adequate non-slip surfaces that can be efficiently and suitably cleaned and kept dry and in a condition fit for the holding of animals.

**PART II: Handling of animals**

8. Animals must at all times be handled humanely and with patience and tolerance.
9. The following must be kept in mind when handling animals –
  - (a) animals respond more readily to being driven when the driver stands behind the animal but within its field of vision; and
  - (b) herd animals respond more readily to being driven when in a group rather than singly.
10. Animals may not be dragged by their legs, or carried by their head, ears or tail.
11. Young calves must be carried if they cannot walk with ease, by lifting the calf around the chest and hindquarters, alternatively they must be guided with one hand

on the hindquarters and the other near shoulder or neck, and walked in the required direction at an appropriate and comfortable pace.

**12.** Only sticks with canvas or belting flaps may be used when driving animals and it is preferable to strike the ground behind the animal rather than to hit the animal.

**13.** Electric prodders, sticks or goads may not be used on young calves.

**14.** Electric prodders may not be used excessively or indiscriminately or applied to the face, anal or genital areas of animals.

### **PART III: Movement of animals**

**15.** Animals driven on the hoof must at all times be under proper and competent supervision.

**16.** Animals on the hoof must be driven in a calm manner at a gait that is relaxed and comfortable, natural to that animal, and not faster than the pace of the slowest animal.

**17.** Animals may not be driven for periods in excess of 10 hours without being given rest of at least one hour and provided with sufficient suitable fresh water that is available to all the animals.

**18.** No animal on the hoof may be moved in excess of the following distances –  
(a) during a journey of not more than one day's duration –  
    (i) 20 kilometres for sheep and goats; and  
    (ii) 30 kilometres for cattle; and  
(b) during a journey of more than one day's duration –  
    (i) 20 kilometres during the first day and 15 kilometres during each subsequent day for sheep and goats; and  
    (ii) 25 kilometres during the first day and 20 kilometres during each subsequent day for cattle.

**19.** Animals must be watered and fed immediately on reaching their night camp or final destination, with sufficient food of a quality and of a type compatible with the species.

**20.** Animals may not be moved in the dark.

**21.** No sick, injured or disabled animal may be moved on the hoof.

### **PART IV: Vehicles used in transporting animals**

**22.** Vehicles and all trailers used in the transport of hoofed animals must be suitable for the transport of such animals and in a roadworthy condition.

**23.** All vehicles and trailers referred to in item 22 must have –  
(a) a suitable non-slip floor which may not impede the cleaning of the floor of the vehicle, with hinged or removable battens or steel grids being permissible;

- (b) adequate ventilation and light whilst in motion as well as when stationary, with no vehicle being totally enclosed;
- (c) adequate protection from exhaust gasses, as exposure to exhaust fumes could interfere with the animals' respiration or cause distress;
- (d) sidewalls high enough to prevent animals from escaping or falling out of the vehicle: Provided that –
  - (i) the sides and partitions, when used in a vehicle to separate animals carried therein, must be of a height not lower than the shoulder joint of the largest animal being transported;
  - (ii) in the case of cattle other than calves, the minimum height must be 1 800 millimetres; and
  - (iii) the minimum height must be 750 millimetres in the case of any smaller animals;
- (e) in multi-tier vehicles, heights between decks must be adequate, and in case of sheep and pigs not less than 1 000 millimetres, to enable the largest animals to stand naturally, freely and fully erect and to allow adequate space for the free flow of air above the animals;
- (f) floors that are solid and impervious;
- (g) loading and offloading openings at the rear of the vehicle that are the full width of the vehicle or, if at the sides, a width not less than 2 400 millimetres; and
- (h) gates, with or without partitions –
  - (i) of a design and construction strong enough and suitable for the conveyance of the intended consignment; and
  - (ii) that open and close freely and are able to be well-secured.

**24.** The density of animals packed into any given space must be such as to ensure the safety and comfort of the animals during transport, and the recommended floor space per animal is –

- (a) 1,4 square metres per large animal; and
- (b) 0,5 square metre per small animal.

#### **PART V: Watering and feeding of live animals prior to loading**

**25.** Animals must be provided with sufficient and suitable food and fresh water until the commencement of the journey.

#### **PART VI: Loading and off-loading procedure**

**26.** Loading and off-loading into or out of a vehicle must be accomplished as quietly and calmly as possible, with patience and tolerance and without undue harassment, terrifying of the animals, bruising, injury, suffering or undue stress.

**27.** No animal may be loaded or off-loaded by lifting by the head, fleece, skin, ears, tails, horns or legs.

**28.** No animals may be loaded or off-loaded otherwise than –

- (a) by means of a ramp with a non-slip surface, sturdy enough to support the weight of the species of animals being handled, with side panels or bars adequate to prevent animals escaping or falling off the ramp and of an incline not steeper than 25 degrees; or



(b) at a loading bank equal to the height of the floor of the vehicle or, at off-loading, not more than 310 millimetres below the level of the off-loading vehicle and with an incline not exceeding 25 degrees.

**29.** Where a truck is equipped with an onboard removable loading ramp it must have a non-slip surface and be of a sufficient length when lowered, that the inclination is no steeper than the inclines referred to in item 28, with the distance from the ground to the heel of the ramp not exceeding 120 millimetres.

**30.** Ramps must be correctly adjusted to the exact height of the vehicle's floor.

**31.** Journeys must commence as soon as possible after the live animals have been loaded and the animals must be promptly off-loaded upon arrival at the destination.

**32.** Unless adequate provision has been made for effective separation, different species of animals may not be loaded and transported in the same vehicle.

**33.** Animals of different ages, sizes and sexes may not be loaded and transported in the same vehicle unless adequate provision has been made for the effective separation of such animals.

**34.** Adult horned cattle may not be transported with polled cattle and they must also be penned separately.

**35.** When there is reason to believe that an animal is likely to give birth in the course of a proposed journey, the animal may not be loaded onto a vehicle.

**36.** In the case of an animal giving birth during transport, the necessary measures must be taken to ensure the protection of the mother and offspring from being trampled or otherwise injured or harassed by other animals.

**37.** In the event of –

(a) a breakdown of the transport vehicle;

(b) an accident or collision in which the transport vehicle is involved; or

(c) injury to, or death of, any animal in transit,

the carrier must immediately report the details to, and request assistance from –

(i) in the case of paragraph (a), a breakdown service;

(ii) in the case of paragraph (b), the South African Police and the traffic authorities; or

(iii) in the case of paragraph (c), a veterinarian.

## **PART VII: Restraining of animals during transportation**

**38.** Where the transport of any animal may cause injury to itself or any other animal, it must be restrained in such a manner as to prevent such injury.

**39.** No animals may be kept in restraint for more than 4 hours in any 24-hour period.

**40.** No wire or bailing twine may be used for tying the animal's legs or feet.

**41.** To avoid strangulation or neck-break, a slipknot may not be used where animals are secured to the vehicle by horns or neck, and the rope must be attached to the vehicle at the level of the animal's knees so that in the event of the animal falling, the possibility of serious injury or death is reduced, with the rope being long enough to allow the animal to lie comfortably in a natural position with its head upright.

**SCHEDULE 2**  
**Pound register information**  
(Section 12)

A pound register must, at least, contain the following information –

1. Name of pound
2. Date of receipt of vehicle / animal
3. Number and description of vehicles / animals
4. Brands or markings on animal / type / colour of vehicle and registration / VIN numbers
5. **Number** / Ear tag number assigned by the pound keeper
6. Name and address of person who seized the animal / vehicle
7. Name and address of person who delivered the animal / vehicle to the pound
8. Name and address of owner of land where animal / vehicle was seized
9. Name and address of owner of animal / vehicle
10. Name and address or description of place where animal / vehicle was found
11. Distance between place where animal / vehicle was seized and pound
12. Particulars of damage caused by the animal / vehicle
13. Transport fees payable
14. Details of destruction or disposal of animal / vehicle
15. Cause of death or injury of impounded animal
16. Description and amount of pound fees
17. Damages awarded by Court
18. Date of release of animal / vehicle
19. Date of sale of animal / vehicle
20. Proceeds of sale of animal / vehicle
21. Name and address of purchaser
22. Excess amount (if any) paid to owner or municipality
23. Receipt number
24. Details of Order of Court with regard to animal / vehicle not sold in execution

**Notice no: 46**

## PROVINCIAL NOTICE 51 OF 2019

**THABA-CHWEU LOCAL MUNICIPALITY****STREET TRADING BY-LAW**

**The Municipal Manager of the Thaba Chweu Local Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the By-laws relating to the Impoundment Bylaws for the Thaba Chweu Local Municipality as approved and adopted by Council on 28 December 2017 under Resolution No. A127/2017**

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### 1. Interpretation/definitions.

(1) In these By-laws, unless the context otherwise indicates-

**“Act”**, means the Mpumalanga Business Act, 1996 (Act No. 2 of 1996);

**“Authorised official”** means an official of the Municipality authorised to implement the provisions of these By-laws — Peace Officers, Traffic Officers, the South African Police Services and any Municipal Health Official designated by Ehlanzeni District Municipality for such purposes;

**“Closing Hour”** in relation to a shop, means the hour on any particular day after which no trading may, in terms of the provisions of the Mpumalanga Trading Hours Act (No5 of 1999), take place in, on or from a shop;

**“Demarcated Stand”** means a demarcated stand as envisaged in terms of section 7 (3) (b) (i) of the Act;

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

**“Goods”** shall include livestock, poultry or any movable commodity;

**“Intersection”** means an intersection as defined in section 1 of the National Road Traffic Act, 1996, Act No. 93 of 1996;

**“Litter”** includes any container waste material or other matter which has been discarded, abandoned or left behind by a person trading or his customers;

**“Municipality”** means Thaba-Chweu Local Municipality as described in section 2 of the Local Government: Municipal Systems Act (Act No. 32 of 2000), and its area as determined from time to time in terms of the Local Government: Municipal Demarcation Act (Act No. 27 of 1998);

**“National monument”** means a building declared to be a national monument under the National Monuments Act, 1969 (Act No. 28 of 1969);

**“Open”** means open for admission of any person in a shop for the purpose of selling or supplying goods to him or her or for the purpose of attending to him or her;

**“Perishable food stuffs”** as defined by the MEC in terms of the Mpumalanga Business Act, 1996 (Act No. 2 of 1996);

**“Prohibited area”** means any place declared under section 7 (2) (a) of the Act in which street trading is prohibited;

**“Property”** in relation to a person carrying on the business of street trading, means any article, receptacle, vehicle or structure used or intended to be used in connection with such business, and includes goods in which he trades;

**“Public building”** means a building dedicated for use by the public in the Municipality;

**“Public road”** means a public road as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

**“Restricted area”** means any place declared under section 7 (2) (a) of the Act in which street trading is restricted;

**“Roadway”** means a roadway as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

**“Sell”** includes supply and also-

- (a) exchange or hire;
- (b) store, process, expose, offer or prepare for sale, and **“sale”** has a corresponding meaning;

**“Services”** includes any lawful advantage or gain for consideration or reward offered in restricted area;

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

**“Tariff”** means the charges as determined by the Municipality from time to time by resolution;

**“Town Planning Scheme”** means the Town Planning Scheme of Thaba-Chweu Local Municipality;

**“Trade”** Means sell goods or services in a public road or public place and **“trading”** has a corresponding meaning;

**“Verge”** means a verge as defined in section 1 of the National Road Traffic Act, 1996 and any word or expression to which a meaning has been assigned in the Mpumalanga Business Act, 1996 shall have that meaning;

- (2) For the purpose of these By-laws a single act of selling or offering services in a public place shall constitute trading.

## **2. Objects**

The objects of this by-law are to –

- (a) Support and encourage street trading as a way of enhancing the Municipality’s existing formal economic activities; and
- (b) Manage street trading in such a way that acceptable standards of public health, pedestrian safety and a free flow of traffic are maintained

## **3. Freedom to trade**

Subject to the provision of sections 4 and 5 and any other relevant law, street trading is freely permitted except in so far as such trading is restricted or prohibited by sections 7 to 15 inclusive of these By-laws.

## **4. General conduct**

A person trading shall-

- (a) be in possession of a permit issued by Municipality (Both Business License and Town Planning Department);
- (b) not place his property on the roadway;
- (c) ensure that his property does not cover an area of the sidewalk which is greater in extent than 1 m x 2 m and which on any sidewalk does not leave a space less than 2 m for pedestrian traffic measured over the width thereof and any other public place not to an extent of twelve meters; and
- (d) not place or stack his property in such a manner that it constitutes a danger to any person or is likely to injure any person;
- (e) not obstruct access to a fire hydrant.

- (f) on concluding business for the day remove his property, except any temporary structure permitted by the Municipality, to a place which is not part of a public road or public place;
- (g) not display his goods or other property on a building or private property, without the written consent of the owner, occupier or person in control of such building or property;
- (h) on request by an employee or agent of the Municipality or any supplier of telecommunication or electricity or other services, move his property so as to permit the carrying out of any work in relation to a Public Road, public place or any such service;
- (i) not attach any object by any means to any building, structure, pavement, tree, parking meter, lamp pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or public place;
- (j) not make a fire at a place or in circumstances where it could harm any person or damage a building or vehicle or any street furniture referred to in paragraph (i) or any Municipality property;
- (k) not trade nearer than 10 m from a Bank or an automated teller machine;
- (l) not store his/her property in a manhole or storm water drain.

## 5. Cleanliness

A person trading shall-

- (a) keep the area site occupied by him for the purpose of such business in a clean and sanitary condition;
- (b) keep his property in a dean and sanitary condition;
- (c) dispose of litter generated by his business in whatever receptacles provided by the Municipality for the public or at the Municipality's dumping sites;
- (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 for the purposes of trade is free of litter;
- (f) in the case of a vendor of foodstuffs take such precautions as may be necessary to prevent the spilling onto a public road or public place of any fat, oil or grease in the course of conducting his business and to prevent any smoke, fumes or odours emanating from his activities from becoming a nuisance;



- (g) on request by an employee or agent of the Municipality, move his property so as to permit the cleansing of the surface of the area or site where he is trading;
- (h) ensure food preparation, handling and selling is in accordance with the relevant legislation, Sections and Regulations.

## **6. Obstruction of pedestrians**

No person shall trade at a place where such trading substantially-

- (a) obstructs access to or the use of street furniture such as a bus passenger bench or shelter, a refuse disposal bin or other facility including a queuing line intended for the use of the general public;
- (b) obstructs the visibility of a display window in business premises, if the person carrying on business in the business premises concerned objects thereto;
- (c) obstructs access to an entrance to or exit from a premise or an automatic bank teller machine;
- (d) obstructs access to a pedestrian crossing, if in the middle of a block a clear distance of 5 m from the crossing must be obeyed;
- (e) obstructs access to any vehicle; or
- (f) in any other manner obstructs pedestrians in their use of a sidewalk.

## **7. Obstructing of vehicular traffic**

No person shall trade at a place where such trading-

- (a) causes an obstruction on a roadway;
- (b) limits vehicular access to parking or loading bays or other facilities;
- (c) obscures any road traffic sign or any marking, notice or sign displayed or made in terms of these By-laws; or
- (d) interferes in any way with any vehicle that may be parked alongside such place;
- (e) contravenes the provision of section 116 of the National Road Traffic Act (Act No. 93 of 2006).

**8. Trading restricted to specified hours in certain places**

No person shall trade-

- (a) on a verge contiguous to any place of worship, national monument or public building; or
- (b) in a restricted area which is specified by Municipality resolution outside the hours so specified in relation to each such verge or area.

**9. Trading restricted to specified goods or services in certain places.**

No person shall trade-

- (a) on a verge contiguous to any place of worship, national monument or public building, financial institutions; or
- (b) in a restricted area which is specified by Municipality resolution other than in the goods or services so specified in relation to each such verge or area;
- (c) as a barber or hair dressing salon in a public place, unless the barber or hairdressing stand is-
  - (i) at least 15 metres from the nearest stand which sells perishable foodstuff, fruit or vegetables;
  - (ii) not contradictory to the Amended National Health Act (Act No. 61 of 2003) read in conjunction with the previous National health Act, No. 63 of 1977 and regulations;
  - (iii) supplied with an electrical connection, provided by the Municipality, according to the electrical By-laws and specifications or any other act.

**10. Trading restricted to demarcated stands or areas in certain places**

No person shall trade-

- (a) on a verge contiguous to any place of worship, national monument or public building; or
- (b) in a restricted area which is specified by Municipality resolution outside a stand or area set apart for trading purposes as contemplated in section 7 (3) (b) of the Act.

**11. No trading in stands or areas which have been let except by the lessee**

If the Municipality has let or otherwise allocated any stand or area set apart or otherwise

established for street trading purposes, as contemplated in section 7 (3) (c) of the Act, no person may trade on such stand or in such area if he is not in possession of proof that he has hired such stand or area from the Municipality or that it has otherwise been allocated to him.

**12. No trading near certain public buildings, places of worship and national monuments**

No person shall trade on a verge contiguous to any place of worship, national monument or public building; which is specified by Municipality resolution.

**13. No trading in prohibited area**

No person shall trade in any prohibited area, nor an area which has not been approved and indicated by the Municipality.

**14. Signs indicating restrictions and areas**

The Municipality shall-

- (a) by resolution of Council, prescribed signs, markings or other devices indicating-
  - (i) specified hours, places, goods or services in respect of which street trading is restricted;
  - (ii) the location or boundaries of a restricted area;
  - (iii) the boundaries of a stand or area set apart for the purpose of the carrying on of the business of street trading under section 7 (3) (b) of the Act;
  - (iv) the fact that any such stand or area has been let or otherwise allocated;
  - (v) any restriction or prohibition against trading in terms of these By-laws;
- (b) display any such sign marking or device in such a position and manner as will indicate the restrictions or the location or boundaries of the area of stand concerned.

**15. Trading near residential buildings**

No person shall, outside an area referred to in sections 7 to 12 inclusive, trade in that half of a public road contiguous to a building used for residential purposes within the demarcated areas of trading as specified in terms of these By-laws, if the owner, person in control or any occupier of any part of the building facing onto such road has objected hereto, provided that in a township or portion thereof mentioned in a resolution of the Municipality, this section shall not apply to a building used for residential purposes if such buildings is used for business purposes at ground level.

**16. Trading near certain business premises**

No person shall, outside an area referred to in sections 7 to 12 inclusive, trade on a verge contiguous to that part of a building in which business is being carried on by any person who sells goods of the same nature as or of a similar nature to goods being sold by the first mentioned person, other than a department store or supermarket without the consent of the second mentioned person.

**17. Removal and impoundment**

(1) An authorised official may after serving a person with a written warning, within reasonable time remove and impound any goods, articles, receptacles, vehicles or structures-

(a) which he reasonably suspects is being used or is intended to be used or has been used in or in connection with street trading; and

(b) which he finds at a place where street trading is restricted or prohibited in terms of section 5 to 12 inclusive and sections 14 and 15 and which in his opinion constitutes an infringement of any such section.

(2) (a) The Municipality shall publish a notice in at least one newspaper circulating in its area of Jurisdiction, containing the following information relating to objects removed in terms of subsection (1)-

(i) a description of the object, the address where the object is stored and, if known, the name of the owner;

(ii) that such objects may be claimed by the owners there on production of proof of ownership to the satisfaction of the Municipality;

(iii) that any object which has not been claimed within a period of three months from the date of publication of such notice will be destroyed or sold by public auction and the proceeds of such auction retained by the Municipality to defray its costs;

(iv) impoundment of “perishable foodstuffs” will be handled and disposed of in terms of the Health Act;

(v) pound fees will be charged as laid down from time to time by the Municipality.

(b) The Municipality may sell by public auction any object unclaimed from it more than three months after a notice contemplated in sub-paragraph (a) (iii) has been published in respect of such object, and may retain the proceeds of such auction or may destroy such object.

(c) The Municipality shall not be liable for compensation to any person for damages arising out of the damage to or the loss of any object removed in terms of subsection

(1) or the sale thereof by public auction, and the owner of such object shall have no claim or right of redress against the Municipality.

(d) (i) If any object is attached to any movable property or a fixture contemplated in subsection (1) and such object is under the apparent control of a person present threat any authorised official of the Municipality may order such person to remove the object and if such person refuses or fails to remove the object, he shall be guilty of an offence.

(ii) When any person fails to comply with an order to remove an object referred to in sub-paragraph (i) any officer of the Municipality may take such steps as may be necessary to remove the object.

## **18. Tariffs**

(a) The Municipality may impose tariffs or fees for street trading or hawking.

(b) Tariffs or fees may be amended by resolution by the Municipality.

## **19. Offences**

1. Any person who-

(a) Contravenes or fails to comply with a provision of these By-laws or a direction issued by the Municipality in terms of these By-laws, or a condition imposed under these By-laws;

(b) obstructs or hinders any person in the execution of any power or the performance of any duty or function in terms of any provision of these By-laws; or

(c) furnishes false, incorrect or misleading information when applying for permission from the Municipality in terms of the provision of these By-laws, is guilty of an offence.

## **20. Presumption**

(1) In any prosecution for an offence under these By-laws, an allegation in the charge concerned that-

(a) any goods with which a business was carried on were or were not of a particular kind, class, type of description or as it may be described by Resolution of the Municipality;

(b) any goods or services were sold or offered for sale;

(c) any place was situated in a public road or public place or within a particular

area;

(d) any person carried on the business of street trading and in a manner and place alleged.

(2) In any criminal proceedings for a contravention of these By-laws, where it is shown that-

(a) any goods were displayed in a public place, such goods shall be presumed to have been offered for sale;

(b) any property used in the provision of any service was available in a public place, such services shall be deemed to have been offered or supplied.

## **21. Penalties**

Any person who is guilty of an offence in respect of this By-law is, on conviction liable to a fine not exceeding R2000.00 (Two Thousand Rands), adjusted in terms of the Adjustment of Fines Act, or to imprisonment for a period not exceeding six (6) months. The Permit will be annulled should a person commit the offense for the second and Third time.

## **22. Repeal of existing By-laws**

All previous By-laws are hereby repealed, provided that such repeal shall not affect the continued validity of any charges determined by the Municipality under those By-laws.

## **23. Short title**

These By-laws shall be called the Street Trading By-Laws, and shall come in to effect upon promulgation.

## SCHEDULE 1

### DERMACATING AREAS: STREET TRADING - AREA

The Thaba Chweu Local Municipality hereby gives notice in terms of Section 7(2)(f) of the Mpumalanga Business Act, 1996 (Act no.2 of 1996), that the jurisdiction area Thaba Chweu Local Municipality is declared a prohibited area for street trading with the exception of the areas as indicated below and subject to the conditions and stipulations of the above Act and the Thaba Chweu Street Trading By-Law, with effect on date of this notice:

### CENTRAL BUSINESS DISTRICT LYDENBURG

Location of Hawking	NUMBER OF HAWKERS	STREET NAME	NEEDS/ADDITIONAL ONFORMAL TRADERS/HAWKERS
SPAR	02	VOORTRKER	0
HOME AFFAIRS	14 REDUCED TO 05	VOORTRKER	0
MIDAS	04	VOORTRKER	0
NEXT TO PHARMACY APTEEK	02	VOORTRKER	0
DUNNS	01	VOORTRKER	0
FOSCHINI	04	VOORTRKER	0
KFC	02	VOORTRKER	0
PEP STORE	01	VOORTRKER	0
SHPRITE	06	VOORTRKER	0
HANAS HARDWARE	10	LANGE STREET	0
CHEAP CHEAP PASSAGE	12	LANGE STREET	0
LEWIS	01	VOORTRKER	0
TAXI RANK	150	CNR DE CLERK & V VOORTRKER	0
EXTENSION 02	02	1 <sup>ST</sup> STREET	0
1 <sup>ST</sup> FOUR WAY STOP TO THE TOWNSHIP	02	1 <sup>ST</sup> FOUR WAY STOP TO THE TOWNSHIP(KELLISVILLE)	0
HOSPITAL	02	BERG STREET	0
OPPOSITE MADIBA BAKERY	03	OPPOSITE MADIBA BAKERY	0
MASHISHING TAXI RANK	10	BLIO STREET	0
U-SAVE MASHISHING	05	BLIO STREET	0
	<b>219</b>		<b>0</b>

## CENTRAL BUSINESS DISTRICT SABIE

Location of Hawking	NUMBER HAWKERS	OF	STREET NAME	NEEDS/ADDITIONAL ONFORMAL TRADERS/HAWKERS
FNB	10		MAIN ROAD	03
TAXI RANK SABIE	15		MAIN ROAD	05
TAXI RANK PAVEMENT	01		MAIN ROAD	03
SHELL GARAGE	01			0
BRIDGE TO GRASKOP	04		MAIN ROAD	0
OLD SHOPRITE	05			
PEP STORE	01		MAIN ROAD	0
HONEY MOON CNR KFC	02		MAIN ROAD	0
STAIR CASE ROAD TO SABIE	01		R37 ROAD	0
MISTY MOUNTAIN	03		R37 ROAD	0
<b>43</b>				<b>11</b>



## CENTRAL BUSINESS DISTRICT GRASKOP

Location of Hawking	NUMBER HAWKERS	OF	STREET NAME	NEEDS/ADDITIONAL ONFORMAL TRADERS/HAWKERS
HOOF STREET	14		HOOF STREET	03
RICHARDSON STREET	15		RICHARDSON STREET	05
LOUIS TRICHARDT	13		LOUIS TRICHARDT	03
KERK STREET	03		KERK STREET	02
TAXI RANK	07		TAXI RANK	03
HOSTEL ROADSIDE	07		HOSTEL ROADSIDE	05
	<b>59</b>			<b>21</b>

## CENTRAL BUSINESS DISTRICT PILGRIMS REST

NB: This location is equipped with vendor shades

Location of Hawking	NUMBER OF HAWKERS	STREET NAME	NEEDS/ADDITIONAL ONFORMAL TRADERS/HAWKERS
ROAD OF CRYSTAL SPRINGS VIEW POINTS	04 INFORMAL TRADERS,NO STALLS CAN WE ERRECT OUR OWN STRUCTURE	R533	4
ROYAL HOTEL	30 STALLS & 30 INFORMAL TRADING	R533	0
UP TOWN SHOPS	11 STALLS & 11 INFORMAL TRADERS	R533	0
DOWN TOWN ROAD 1	04 STALLS & 04 INFORMAL TRADERS	R533	0
ESCOTS CAFÉ	05	R533	03
DOWN TOWN ROAD 2	11 STALLS & 11 INFORMAL TRADERS	R533	0
DOWN TOWN ROAD 3	07 STALLS & 07 INFORMAL TRADERS	R533	07
POLICE STATION	11 STALLS & 11 INFORMAL SETTLEMENT	R533	0
	<b>83</b>		<b>14</b>

**SCHEDULE 2****DECLARING AREAS: STREET TRADING – THABA CHWEU MUNICIPAL AREA**

Notice is hereby given in terms of Section 7(2)(h) of the Mpumalanga Business Act 2 of 1996, that the Thaba Chweu Local Municipality resolved to amend Local Authority Notice ...,

### SCHEDULE 3

#### TARIFFS & FINES (STREET TRADING)

DESCRIPTION	CHARGE	FINE/FEE
Street Trading By-Law	Placing Properties on verge / public place without permission	R400
	Trading from an area greater than the allowed width	R150
	Stacking property/goods in such a manner as to constitute a danger to any person or property or likely to cause injury to a person or property	R400
Duties of a Street Trader	Street Trader must when she/he conducts business for the day remove his/her property, except any structure permitted by the Council	R300
	Failing to abide by the request of the official of council to move his/her property so as to public road or public place	R200
	Failing to keep the area occupied clean and in a sanitary condition	R200
	Failing to move the property/goods so as to permit cleaning of the area	R200
	Failing to ensure that there is adequate space left as per By-Law	R200
Prohibited Conduct	Violation of permit conditions	R200
	Permit Hiring	R250
	Formal business in hawker's area	R250
	Promotion of goods or products without permit	R250

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Removal & Impoundment	Any authorized officer may remove or impound any goods which he/she suspects is being used or intended to be used, in connection with street trading where street trading is restricted	R 500
	Perishable goods shall be kept in a safe place for 72 Hours, if not collected within the time the goods will be handed over to SAPS and will be given to the owner and pay a fine	R300

**SCHEDULE 4  
TRADING HOURS**

<b>CATEGORY</b>	<b>OPENING TIMES</b>	<b>CLOSING TIMES</b>
1.Street Hawkers/Market Stalls	06:00am	17:00pm
2.Tuck Shop/Spaza Shop	06:00am	20:00pm
3. Cafe/Restaurant	07:00am	21:00pm
4. Supermarket	07:00am	19:00pm
5. General Dealer	07:00am	19:00pm
6. Butchery	08:00am	17:00pm
7.Wholesalers	08:00am	17:00pm
8. Hardwares/Motor Spares or Workshop Related	08:00am	17:00pm

**Notice No: 46**

## PROVINCIAL NOTICE 52 OF 2019

**THABA CHWEU LOCAL MUNICIPALITY  
CEMETERIES, CREMATORIA AND FUNERAL UNDERTAKERS BY-LAW**

The Municipal Manager of the Thaba Chweu Local Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the By-laws relating to the Cemeteries, Crematoria And Funeral Undertakers By-Law By-Law for the Thaba Chweu Local Municipality as approved and adopted by Council on 28 February 2018 under Resolution No. A13/2018

**PURPOSE**

The purpose of the By-Law is to provide for the control, regulation and development of cemeteries; and to provide for the disposal of corpses and the internment of human remains, in a dignified manner; and to provide for matters connected therewith.

**PREAMBLE**

**WHEREAS** in terms of Part B of schedule 5 of the Constitution of the Republic of South Africa 1996 cemeteries, crematoria and funeral parlours are local government matters;

**AND WHEREAS** section 73 of the Local Government Municipal Systems Act, 2000 (Act No.32 of 20(0) places a general duty on municipalities to give effect to the provisions of the Constitution;

**AND WHEREAS** the Thaba Chweu Local Municipality seeks to ensure the proper management of cemeteries, crematoria and funeral undertakers within the area of jurisdiction of the municipality;

**AND NOW THEREFORE, BE IT ENACTED** by the Council of the Thaba Chweu Local Municipality,

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**CHAPTER 1****1. DEFINITIONS**

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

**"above-ground burial"** means when a structure is employed for the internment of a body and such structure is located above normal ground level;

**"approved"** means approved by the municipality;

**"ashes"** means the cremated remains of a corpse;

**"ash grave"** means a grave for the burial of cremated remains, with such grave covered by a memorial plaque or slab;

**"authorised official"** means an official of The Municipality authorised to implement or enforce the provisions of any law;

**"berm section"** means a grave section in a cemetery set aside by The Municipality where memorial work is restricted to a headstone only with ground cover planted over the length of the grave;

**"biodegradation"** means a process whereby the corpse is disposed of by bio-friendly chemical dissolution;

**"burial"** means when land is excavated for the interment of a body or ashes or when a structure is employed for the interment of a body or ashes;

**"burial order"** means a burial order issued in terms of section 20 of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992);

**"cemetery"** means any land containing one or more graves;

**"municipality"** means the Thaba Chweu Local Municipality established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

**"Municipality Parks and Cemetery"** means the Section of Parks and Cemeteries in the Directorate: Social & Community Services in the Thaba Chweu Local Municipality;

**"corpse"** means the remains of a deceased person and includes a still-born child and foetus;

**"corpse reduction"** means any process used to reduce corpses including cremation, freeze reduction and biodegradation;

**"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;

**"cremated remains"** means all recoverable ashes of a corpse after the cremation;

**"cremation"** means the process whereby a corpse is reduced by fire;

**"crematorium"** means a building where deceased persons are cremated;

**"environmental health practitioner"** means a person appointed as such in terms of section 80 of the National Health Act 61 of 2003;

**"exhumation"** means the removal of a corpse from its grave;

**"freeze reduction"** means the process whereby the corpse is disposed of by freeze drying;

**"funeral undertaker"** means any person, organisation or corporate body in the business of, or which undertakes or organises the burial or reduction of corpses for gain;

**"funeral undertaker's premises"** has the meaning assigned to it in regulation 1 of the regulations;

**"garden of remembrance"** means a section of a cemetery set aside for the erection of memorials to an individual, a group of people or an event, memorial walls, niche walls, the establishment of ash graves and the scattering of ashes;

**"grave"** includes any place, whether wholly or partly above or below ground level in which a corpse is permanently interred or intended to be permanently interred, whether in a coffin or other receptacle or not, and also includes any monument, tombstone, cross, inscription, rail, fence, chain, erection or other structure of whatsoever nature forming part of or appurtenance to such grave;

**"in-ground burial"** means when land is excavated for the interment of a body;

**"Interment"** means to commit a corpse or ashes to its final resting place;

**"landscape section"** means a grave section in a cemetery set aside by The Municipality where memorial work is restricted to a horizontally placed plaque or a memorial slab. with ground cover planted over the length of the grave;

**"mausoleum"** means an above-ground burial chamber or chambers to accommodate a body and a coffin with such chambers stacked vertically in varying forms and heights;

**"memorial square"** means a grave section in a cemetery set aside for the interment and memorialisation of heroes and celebrated persons;

**"memorial wall (cenotaph)"** means a wall or structure on which the names of heroes and celebrated persons are depicted. including the graphic depiction of historical events;

**"memorial work"** means any headstone. monument. plaque. other work or object. erected or intended to be erected in a cemetery to commemorate a deceased person. and includes a kerb demarcating a grave. a slab covering a grave and wooden, granite. marble or stoop crosses;

**"monumental section"** means a grave section in a cemetery set aside for the erection of memorial work;

**"multiple burial"** means subsequent interments in the remaining depth of a grave; next of kin means the surviving use, unless otherwise determined by customs. or if there is no surviving spouse. The surviving child or children, or where there is no surviving child or are no surviving children, the closest surviving descendant or descendants. or there are no surviving descendants, the surviving parent or parents, or where there is no surviving parent or no surviving parents. the surviving sibling or siblings, or where there is no surviving sibling or are no surviving siblings, the other blood relation or blood relations

of the deceased who are related to him or her in nearest degree, provided that where this By-law requires the consent of the next of kin, and the next of kin refers to more than one person, in terms of this definition, then the consent of all these persons shall be required;

**"niche"** means a compartment in a structure designed for the placement of ashes;

**"niche wall"** means a wall or structure containing niches;

**"notifiable disease"** means any disease that is required by law to be reported to government authorities when diagnosed, even at death;

**"officer in charge"** means the authorised official whom The Municipality appoints from time to time in a supervisory capacity with regard to a cemetery or crematorium;

**"ossuary"** means a chest, building, well or site made to serve as thermal resting place of human skeletal remains;

**"prescribed fee"** means a fee as determined by the municipality;

**"private cemetery"** means land which is used as a cemetery but not owned by the municipality;

**"private crematorium"** means a building where deceased persons are cremated but is not owned and/or managed by the municipality;

**"public grave"** means a grave in which a second burial of any member of the public may take place after a period of five years and on which the erection of a headstone is not permitted for either the first or second burial;

**"reduction burial"** refers to the making of a grave available for a subsequent interment after a specified period;

**"regulations"** means the regulations governing Funeral Undertakers' Premises, made under sections 33 and 39 of the Health Act, 1977 (Act No. 63 of 1977);

**"surface grave units"** means an above-ground burial system which employs on-site constructed or prefabricated burial chambers to accommodate the body and the coffin, with such chambers layered above the normal ground level.

## CHAPTER 2 DISPOSAL AND INTERMENT OF A BODY

### Methods of disposal of a body

2. Subject to the applicable provisions of this By-law, and any other applicable law, a body may be disposed of by:

- (a) *in-ground burial;*
- (b) *above-ground burial;*
- (c) *cremation; or*
- (d) *freeze reduction and biodegradation.*

### Consent required for interment

3. (1) No person may dispose of a corpse in any manner other than the manner prescribed by the Municipality in this By-law, and a person who wishes to dispose of a corpse must obtain the written consent of The Municipality before he or she disposes of the corpse, and must comply with the requirements of the municipality.

(2) A person who wishes to obtain the consent as contemplated in subsection (1) must submit to the municipality, an application in writing together with:

- (a) *the proof of payment of the prescribed fee;*
- (b) *the death certificate of the corpse;*
- (c) *a burial order issued in terms of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992);*
- (d) *in the case of a funeral undertaker, on an annual basis, the certificate of competence issued in terms of the regulations, proof of registration on the database of Municipality Parks and Cemetery referred to in section 17(1), and in the case where the burial order has been issued by a funeral undertaker, proof of authorization in terms of section 4 of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992);*
- (e) *an affidavit by the next of kin of the deceased or where not practicable, Other close relative, consenting to the disposal of the corpse when such corpse is to be buried in the manner requested;*

*(f) in the instance where a person who at the time of his or her death was suffering from a notifiable disease, this must be indicated in the application;*

*(g) details of cultural or religious practices that need to be adhered to.*

(3) The Municipality may approve the application subject to the conditions set out in the approval. or refuse the application.

(4) An application for interment must be submitted to The Municipality not later than the time periods that may be prescribed by The Municipality from time to time.

(5) The time periods so stipulated shall take account of any religious practice in this regard, which may be relevant and adhered to by any particular religious group.

(6) Should any alteration be made in respect of the day or hour previously fixed for an interment, or an interment be cancelled, in the instance where The Municipality is responsible for the digging of a grave, notice of the alteration must be given to The Municipality at least eight hours before the time fixed for the interment.

(7) The Municipality reserves the right to inspect the contents of a coffin before interment, in the event of any irregularities in paperwork.

(8) The Municipality may refuse a person, including a funeral undertaker, permission to inter a corpse if relevant documentation required by The Municipality has not been submitted to The Municipality prior to the interment.

#### **Interment times**

4. (1) Interments shall take place at times determined by The Municipality from time to time.

(2) A person contemplated in section 3(2) will be allocated an interment time by The Municipality and interments that are not undertaken within the time allocated will result in such interment being postponed until such time as an alternative interment time is available without inconveniencing other interments taking place within the time allocated.

(3) Despite the provisions of subsection (1), The Municipality may, if the case is one of emergency or the custom or conventions of a religious or cultural group, permit interment outside the times contemplated in subsection (1).

(4) The interment times determined by The Municipality in subsection (1), (2) and (3) shall take into account the practices adhered to by, and beliefs of specific religious groups.

#### **Coffin**

5. (1) A coffin must be used for any burial of a corpse except where religious beliefs prohibit its use, or special permission has been granted.

(2) Subject to the provisions of subsection (3), only one corpse may be contained in a coffin, unless this is contrary to the tradition, customs or religious beliefs of the deceased person or the person mentioned in section 3.

(3) A mother and child who died during childbirth may be contained in one coffin, if the consent of The Municipality has been obtained and the prescribed fees have been paid.

(4) If there is more than one body in a coffin, each body must be contained in a separate body bag.

#### **Construction material of coffin**

6. A coffin interred in a grave should insofar as this is possible be constructed of natural wood or other non-toxic, perishable material.

#### **Coffin to be covered**

7. The person referred to in section 3(2), must ensure that a coffin, upon being placed in a grave, is covered with at least 300mm of earth prior to the conclusion of the ceremony where municipal officials are the one covering the grave.

#### **Dimensions of grave apertures**

8. (1) All graves within the cemeteries of The Municipality shall comply with the dimensions set out hereunder and there shall be two grave aperture sizes with the following dimensions:

**(a) Large Grave:**

Length: 2 250mm

Breadth: 750mm

**(b) Small Grave:**

Length: 1 350mm

Breadth: 535mm

(2) All graves shall be a minimum depth of 1 400mm.

(3) Any person who requires an aperture for an interment in a grave of a size larger than the standard dimensions and depth specified in subsection (1) must, when submitting an application in terms of section 3, specify the measurements of the coffin and the depth and pay such charges or fee as prescribed by The Municipality from time to time.

(4) Where one coffin has been buried on top of another coffin there must be at least 300mm of soil between the coffins.

(5) On completion of an interment, the person referred to in section 3(2) or persons who dug the grave must clear the surrounding areas including pathways and graves of all soil, debris and other matter or material exposed by the digging of the grave.

(6) The person who arranged the interment must take all reasonable steps to ensure that no damage occurs to surrounding property during the interment or ceremony including any collapse of grave walls and take steps to prevent such collapse.

(7) The Municipality has the right to flatten any area on or surrounding any grave including the grave mound three months after the burial has taken place as part of maintenance programs.

**Indigent persons**

9. A person making application for the burial of an indigent person must make a declaration to that effect.

10. The Municipality must keep a record of all internments and such record must contain

*(a) the particulars of the person who requested the interment;**(b) the particulars of the deceased person whose corpse is to be interred or has been interred, such as the name, address, and identification number;**(c) the date of the interment and the number of the grave in which the corpse or ashes is interred or the location of the receptacle where the ashes have been placed.***Right of burial**

11. (1) No person shall acquire any right including a right of burial in any ground or grave in a cemetery owned by the Municipality, other than such rights or interests as may be obtainable under this By-law.

(2) The determination of the identity of the holder of existing rights to further burials in existing graves shall be determined with reference to the register of the Municipality.

(3) On application in terms of section 3 and on payment of the prescribed fee, a person may acquire the right of burial in a public grave.

(4) On application in terms of section 3 and on payment of the prescribed fee, a person may acquire the exclusive right to subsequent burials in the same grave provided that this right will lapse on the exhumation of the corpse buried in such grave.

(5) The right to subsequent burials shall not be transferable to a third party other than on the death of the holder of the right, in which event the right shall be transferred to his other next of kin.

(6) Where the next of kin of the deceased person buried in the grave to which the right to subsequent burial relates is not a holder of the right, in the event that the next of kin objects to a subsequent burial in that grave, the consent of the next of kin shall be required prior to any subsequent burial being permitted.

(7) The right to subsequent burials referred to in subsection (4) is conditional on the suitability of the grave for additional burials as determined by the Municipality.

(8) The next of kin or other closest surviving relative of a deceased person who is buried in a public or private grave may, in writing, forfeit such public or private grave to the Municipality, and thereby grant consent for the exhumation of the remains of the deceased person buried in that grave, and the burial therein of an unrelated person or persons.

(9) In the case of a private grave, where the holder of the right acquired in terms of subsection (11)(4) is not the next of kin or other closest surviving relative of the deceased, the joint consent of both the holder of the right and the next of kin or other closest surviving relative of the deceased, must be obtained before a grave is forfeited in accordance with subsection 8.

### **CHAPTER 3 FUNERALS**

#### **Religious and other ceremonies**

12. The members of a religious denomination may, without prior permission and during the interment and at the grave, conduct a religious ceremony in connection with an interment or memorial service which ceremony may not last more than the time period determined by the Municipality.

#### **Music inside cemetery**

13. No unduly loud or disturbing music with singing shall be permitted in a cemetery, and instrumental music and amplified sound shall only be permitted with the consent of the Municipality when grave application is made.

#### **Hearse and other vehicles at cemetery**

14. (1) No hearse or other vehicle may enter a cemetery without the prior permission of the Municipality, which may not be unreasonably withheld.

(2) No hearse or other vehicle may use any route to enter or proceed within a cemetery other than the routes set aside for that purpose.

(3) No hearse or other vehicle may park: in any place in a cemetery other than the section of a cemetery specifically allocated for parking.

#### **Instruction of Officer in Charge**

15. A person taking part in a funeral procession or ceremony in a cemetery must follow the reasonable instructions of the Municipality.

### **CHAPTER 4 FUNERAL UNDERTAKERS**

#### **Funeral undertakers**

16. (1) All funeral undertakers that wish to operate as such within the jurisdiction of The Municipality are required to register on a database with the Municipality Parks and Cemetery Section .

(2) All funeral undertakers when registering on the database referred to in subsection (1), shall be required to sign a memorandum of understanding in which it is confirmed that the funeral undertaker is familiar with and will abide by this By-law, and all policy and fee structures in terms of this By-law.

(3) All information supplied by a registered funeral undertaker in any application submitted in terms of this By-law shall be true and correct.

(4) A funeral undertaker shall only transport a corpse in a vehicle suitable for such purpose, and which meets the requirements determined by the Environmental Health Officer.

(5) In the event of any registered funeral undertaker who breaches any provision of this Bylaw, policy, and guideline or fee structure in terms of this By-law. The Municipality may, after notice has been given cancel the registration of the funeral undertaker, and suspend the funeral undertaker from further burials in cemeteries within the jurisdiction of the Municipality.

### **CHAPTER 5 THE ADMINISTRATION AND CONTROL OF CEMETERIES**

#### **Appointment of Officer in Charge**

17. (1) The Municipality must appoint an Officer in Charge for each cemetery to control and administer

the cemetery.

(2) The Officer in Charge must take into account the customs of the deceased person and the persons responsible for the internment and must accommodate these within the framework of this By-law.

### **Hours of admission for public**

18. (1) The Municipality shall determine and cause the hours during which a cemetery or part thereof is open to the public to be displayed on a notice board placed at each entrance to the cemetery.

(2) No person, excluding duly authorised workers or authorised officials from the Municipality, with permission, may be in or remain in a cemetery or part thereof before or after the hours when it is closed to the public as displayed on a notice board as contemplated in subsection (1).

### **Children**

19. No child under twelve (12) years of age may enter a cemetery unless he or she is under the care of a responsible adult person.

### **Keeping to path**

20. All persons are required to keep to the paths indicated in a cemetery, where such paths exist.

### **Prohibited conduct within any cemetery**

21. (1) No person may

- (a) commit or cause a nuisance within any cemetery;
- (b) ride an animal, cycle, or skateboard for recreational purposes or partake in any other form of recreational or sporting activity, with the exception of a wheelchair, within any cemetery, unless otherwise determined by the Municipality;
- (c) with the exception of a blind person, bring into or allow an animal to wander inside any cemetery, provided that dogs on leashes shall be permitted unless otherwise determined by the Municipality;
- (d) plant, cut, pick or remove a tree, plant, shrub or flower without the permission of the Municipality;
- (e) hold or take part in a protest in any cemetery;
- (f) interrupt or disrupt the performance of duties of an authorised official or workman employed by the Municipality; or (ii) a funeral undertaken in any cemetery;
- (g) obstruct, resist or oppose the officer in charge in the course of his or her duty or refuse to comply with an order or request which the officer in charge is entitled under this By-law to make;
- (h) make, draw, scribble, paint, or place an object on a wall, building, fence, gate, memorial work or other erection within any cemetery other than for official purposes;
- (i) use water for any form of gardening without the permission of the Municipality;
- (j) leave any rubbish, soil, stone, debris, garbage or litter within any cemetery;
- (k) in any way damage, deface or desecrate any part of a cemetery or anything therein;
- (l) enter or leave purposes; a cemetery, except by an entrance or exit provided for these;
- (m) solicit or conduct any business, order, exhibit, distribute or leave a tract, business card or advertisement within a cemetery, other than in an area designated for such purposes by The Municipality and with the prior permission of the Municipality;
- (n) treat a grave or memorial work with disrespect, such as climbing or sitting on a grave or memorial work;
- (o) enter an office, building or fenced place in a cemetery except in connection with lawful business;
- (p) expose a corpse or a part thereof in a cemetery;
- (q) exceed the prescribed speed limit of 20 km per hour in a cemetery;
- (r) use any cemetery as a thoroughfare (Street or Access);
- (s) allow or cause any animal to enter any cemetery with the exception of an officer in charge, living on site and who is keeping pets with the prior approval of the Municipality;
- (t) bring any alcohol into or consume any alcohol in a cemetery or discharge any firearms in a cemetery except in the case of a police, state, or military funeral;
- (u) make or ignite any fire in a cemetery without the prior permission of the Municipality;

- (v) bring into a cemetery excavation equipment, saws or metal detecting equipment, other than with the permission of the Municipality;
  - (w) hunt or harm any animals or birds;
  - (x) graze domestic animals in unused areas or amongst the graves; or
  - (y) conduct driving lessons in a cemetery.
- (2) An authorised official of The Municipality working in any cemetery may not enter into an agreement with a member of the public for the purpose of undertaking work in the cemetery on behalf of such person, such as maintaining or digging a grave or any other related work.
- (3) The Municipality may impound an animal found in any cemetery otherwise other than in accordance with the provisions of the By-law.
- (4) Gazebos larger than two meters by three meters may not be erected in a cemetery without the prior permission of the Municipality.

## CHAPTER 6

### PRIVATE CEMETERIES AND CREMATORIA

Parts of By-law applicable

22. The provisions of sections, 5, 6, 10, and chapter 9 of this By-law shall apply *mutatis mutandis* to private cemeteries, and the provisions of sections 52, 53 and 55(2) shall apply *mutatis mutandis* to private crematoria.

#### **Duties of proprietors**

23. (1) The proprietor of a private cemetery or crematoria for which the consent of The Municipality has been obtained must:

- (a) *comply with*
  - (i) *any special conditions which may be determined by The Municipality in respect of private cemeteries and crematoria from time to time; and*
  - (ii) *the relevant provisions of this By-law and any other applicable law;*
- (b) *maintain the grounds, fences, gates, roads, paths and drains in good order and condition and clear of weeds and overgrowth;*
- (c) *allow an authorised official of The Municipality to enter or inspect the cemetery or crematoria and all records kept in connection therewith;*
- (d) *appoint a suitably qualified person to manage the cemetery and to keep the records.*

(2) The Owner of a private cemetery, a private crematorium or private property may on reasonable grounds. refuse permission to have a corpse interred or cremated in the cemetery or crematorium.

## CHAPTER 7

### SECTIONS IN A CEMETERY

Municipality may establish sections

24. (1) The Municipality may establish one or more of the following sections in its cemeteries:

- (a) *Monumental section;*
- (b) *Benn section;*
- (c) *Landscape section;*
- (d) *Memorial Square;*
- (e) *Garden of Remembrance;*
- (f) *Crematorium and Corpse Reduction Facility;*
- (g) *Mausoleum;*
- (h) *Surface Grave Units; or*
- (i) *Denominational section.*

#### **One section**

25. (1) A monumental section is a grave section in a cemetery set aside for the erection of memorial work at graves.

(2) The Municipality may in the course of time level all graves and plant grass thereon.



(3) Flowers, foliage, wreaths or any adornment may be placed upon the berm only of graves except in the case of graves which have not yet been levelled.

#### **Berm section**

26. (1) A berm section is a grave section in a cemetery set aside by The Municipality where memorial work is restricted to a headstone only, with ground cover planted over the extent of the grave.

(2) Headstones may contain two receptacles for flowers.

(3) Headstones must be erected on the concrete plinth supplied by The Municipality or on a suitable foundation to support the headstone, which shall be embedded horizontally at ground level in the position indicated by the Municipality.

(4) No kerb or frame demarcating the grave or a slab covering is permitted.

(5) The Municipality may, in the course of time, level all graves and plant grass thereon.

(6) Flowers, foliage, wreaths or any adornment may be placed upon the berm only of graves, except in the case of graves which have not yet been levelled.

#### **Landscape section**

27. (1) A landscape section is a grave section in a cemetery set aside by The Municipality where memorial wall is restricted to a horizontal placed plaque or memorial slab only, with ground cover planted over the extent of the grave.

(2) No object other than a plaque or memorial slab may be placed on the grave.

(3) No kerb or frame demarcating the grave or a slab covering is permitted.

(4) The Municipality may in the course of time level all graves and plant grass thereon.

(5) Flowers, foliage, wreaths or any adornment may be placed only upon or beside the plaque or memorial slab, except in the case of graves which have not yet been levelled.

#### **Garden of Remembrance**

28. (1) A garden of remembrance is a section in a cemetery set aside for the erection of memorials to an individual, a group of people or an event, memorial walls (cenotaph), niche walls, the establishment of ash graves and the scattering of ashes;

(2) Flowers and wreaths may be placed only on the places provided therefore.

#### **Crematorium and Corpse Reduction Facility**

29. The Municipality may set aside sections in a cemetery for the establishment of a crematorium and a corpse reduction facility.

#### **Memorial Square**

30. (1) A memorial square is a grave section in a cemetery set aside for the interment and memorialisation of heroes and celebrated persons.

(2) No person may be interred or commemorated in this section unless the status of a hero or celebrated person has been confirmed by The Municipality in writing.

#### **Mausoleum**

31. A mausoleum section may be established in a cemetery in which corpses are interred in mausoleum.

#### **Surface Grave Units**

32. A surface grave unit section may be established in a cemetery in which corpses are interred in surface grave units.

#### **Denominational section**

33. (1) The Municipality may set aside denominational sections in its cemeteries for the exclusive use of a specific faith, religious or cultural group where the burial requirements of such group dictates a physical arrangement of graves with reference to orientation, density and depth other than the norm.

(2) The allocation of such sections may not be to the detriment of the burial requirements of the general residents of the Municipality.

## CHAPTER 8

### ERECTION AND MAINTENANCE OF MEMORIAL WORK AND CARE OF GRAVES

#### Consent of Municipality

34. (1) No person may bring any memorial into a cemetery or erect, alter, paint, renovate, decorate, remove or otherwise interfere with any memorial work or cut any inscription thereon in a cemetery without the written consent of The Municipality and payment of the required fee, other than for the purposes of routine maintenance work.

(2) Before erecting memorial work an application must be submitted to The Municipality for approval at least five working days prior to the proposed erection, such application to include:

- (a) *plan which gives an indication of its measurements and its position;*
- (b) *specification of the material of which the memorial work is to be constructed; and*
- (c) *the wording of the epitaph.*

(3) The Municipality may approve the application referred to in subsection (2) with or without conditions as it deems necessary and may refuse the application if it does not comply with the requirements in respect of memorial work as determined by the Municipality.

(4) No person may bring into the cemetery any material for the purpose of constructing therewith any memorial work on any grave unless.

- (a) *the provisions of subsection (1) to (3) have been complied with; and*
- (b) *proof of payment in respect of work to be carried out has been submitted.*

(5) The consent for the proposed work is valid only for a period of twelve (12) months from the date on which it is approved and in the event of the memorial work not being erected within the prescribed time a new application must be submitted.

#### Requirements for erection of memorial work

35. A person erecting a memorial work must comply with the following:

- (a) he or she must be in possession of a plan approved in terms of section 34(2);
- (b) all work must be effected according to the conditions contemplated in section 34(3);
- (c) proceedings must be of such a nature that no damage may be caused to any structure or offence given;
- (d) with the applicant's permission, the name of the maker or manufacturer can be displayed on a memorial work, but no address or any other particulars may be added thereto, and the space utilized for it may not be larger than 40 x 100 mm;
- (e) all unused material after the completion of the work must be removed and the adjoining areas must be left neat and clean; and

(1) any damage caused must be repaired at the cost of the person responsible for such damage and should the responsible person fail to affect such repair, after due notice, The Municipality may undertake the remedial work at the cost of the person who erected the memorial work.

#### Position, movement and removal of memorial work

36. (1) No person may erect a memorial work on a grave before the position in which such memorial work is to be placed has been indicated in terms of the approved plan referred to in section 34(2).

(2) Should the condition referred to in subsection (1) not be complied with. The Municipality may, on written notice to such person, alter the position of the memorial work and recover the costs of the alteration from the person who erected the memorial work.

(3) In the instance where a memorial work has originally been placed in a certain position with the express consent of the Municipality, any alteration of the position in terms of the provisions of this section is executed at the expense of the Municipality.

**Work and maintenance in respect of memorial work**

37. (1) Any person engaged in any work, shall affect such work under the supervision of the Municipality.
- (2) Should the person who erected a memorial work allow such memorial work to fall into such a state of disrepair that it may cause danger or deface the cemetery the Municipality may serve a notice of compliance, as contemplated in section 59, on such person.
- (3) The Municipality may, after due notice, at any time change or alter the position of a memorial work in a cemetery placed without the express consent of The Municipality and recover the cost thereof from the owner of the memorial work.
- (4) A memorial work placed, built, altered, decorated, painted or otherwise dealt with in a cemetery in such manner that any provisions of this By-law are contravened, may be removed by the Municipality at the cost of the person responsible, after due notice, without payment of any compensation.

**Damaging of memorial work**

38. The Municipality is not responsible for any damage which may at any time occur to a memorial work and which is not due to the negligence of the authorised officials of the Municipality.

**Vehicle and tools**

39. (1) Every person engaged with work upon a grave or plot must ensure that the vehicles, tools or appliances comply with the provisions of this By-law and any other law. and do not block roads or paths.
- (2) No person may convey any materials stone, brick or memorial work or a portion thereof within a cemetery upon a vehicle or truck which may cause damage to the paths or grounds or structures of the cemetery.

**Complying with directives of the Municipality**

40. A person carrying out work within a cemetery must in all respects comply with the directives of the Municipality.

**Times for bringing in material and doing work**

41. (1) No person may bring memorial work or material in connection therewith, or do any work other than the dismantling of memorial work for interment purposes within a cemetery except during the times determined by the Municipality.
- (2) No person may engage in work which may disturb or intrude upon a funeral for the duration of the funeral.

**Subsiding soil conditions**

42. The Municipality is not liable for damage to memorial work resulting from any subsiding soil.

**Production of written consent**

43. A person charged with a work or on his or her way to or from work within the cemetery must, upon demand from The Municipality or its authorised official, produce the written consent issued to him or her in terms of section 34(1).

**Care of grave**

44. (1) The maintenance of a grave is the responsibility of the person contemplated in section 3(2).
- (2) The Municipality may undertake to keep any grave in order for any period.
- (3) The Municipality may undertake to maintain any grave for any period at its own expense.

**CHAPTER 9****EXHUMATION, REDUCTION BURIAL AND OSSUARIES****Application for exhumation**

45. (1) An application for exhumation must be submitted to the Municipality, and must include the following:

- (a) the completed application form obtained from the magistrate court;
- (b) a copy of the death certificate;
- (c) a letter or an affidavit from the next of kin of the deceased consenting to the exhumation;
- (d) payment of the prescribed fee.

### **Conditions of exhumation**

46.(1) No person may exhume or cause to be exhumed a corpse or human remains without the written consent of the

- (a) the Municipality; and
- (b) the Provincial Department of Health in accordance with the Exhumations Ordinance 1980 (Ordinance No. 12 of 1980).

(2) The written consent referred to in subsection (1) must be submitted to the Environmental Health Practitioner at least five working days prior to the approved exhumation date.

(3) The Environmental Health Practitioner may impose conditions with respect to exhumation as referred to in subsection (1) and an exhumation may only proceed when such conditions have been complied with.

(4) No exhumation or re-internment may proceed without the presence of a competent and experienced environmental health practitioner employed by the Municipality and a registered funeral undertaker.

(5) The remains of a deceased person must be reburied or cremated within 48 hours. Unless the Environmental Health Practitioner determines that circumstances or conditions prevent reburial or cremation within the 48 hour period.

(6) The remains of the deceased person must, pending reburial or cremation be kept at a registered funeral undertakers premises.

(7) Exhumations shall be carried out in accordance with the Municipality's policy on exhumation and re-internment of human remains.

(9) The person carrying out the exhumation must provide a suitable receptacle for each body or remains.

### **Emergency Exhumations**

47. (1) No body may be exhumed less than eighteen months after burial, other than in compliance with a Court Order.

(2) An emergency exhumation shall comply with the provisions of sections 45 and 46.

(3) A member of the South African Police Services must be present during emergency exhumations.

### **Wrongful Burial**

48. The Municipality may if a body has been buried in contravention of this By-law, subject to the provisions of section 45 with the exception of section 45(1)(c), cause the body to be exhumed and reburied in another grave, in which event the relatives of the deceased must be notified of the intended exhumation and reburial and allowed to attend.

### **Reduction Burial**

49. The Municipality may, after the lapse of a minimum time period of ten (10) years after the most recent burial in a grave, exhume the remains of a corpse for the purposes of the reduction of the corpse and rebury the remains of that corpse in the same grave, in a smaller coffin at a greater depth, subject to the conditions that

- (a) any holders of private rights in that grave, acquired in terms of subsection (11)(4) and the next of kin or other closest surviving relative of the deceased (where the holder of the right is not the next of kin or closest relative of the deceased) have given their consent;
- (b) in respect of any grave where no private rights have been acquired, where the next of kin, or other closest surviving relative of the corpse has given consent.

### **Establishment of an Ossuary**

An ossuary may be established in a cemetery.

## **CHAPTER 10**

### **USE AND CLOSURE OF DISUSED CEMETERIES**

#### **Use and closure of disused cemeteries**

51. (1) Despite any provision of this By-law, and subject to the provisions of subsection (6), The Municipality may use any cemetery or portion thereof, of which it is the cemetery authority, which has been disused for a period of not less than 20 years for such purpose as will not Descemet the ground and any human remains or any memorials in such cemetery.

(2) Despite any provision of this By-law and subject to the provisions of subsection (6), the Municipality may close any cemetery or portion thereof of which it is the cemetery authority, which has been disused for a period of not less than 20 years, or if good cause for such closure exists.

(3) Despite any provision of this By-law and subject to the provisions of subsection (6), the Municipality may use as a cemetery any cemetery or any portion thereof, which has been used for another purpose in terms of subsection (1), or reopen any cemetery or portion thereof, which has been closed in terms of subsection (2).

(4) The Municipality may, subject to the provisions of subsection (6), remove to another cemetery the human remains, memorials and other structures from a cemetery of which it is the cemetery authority, which has been closed or disused for a period of not less than 20 years and which has been approved for other usage by the competent authority or authorities as the case may be.

(5) All rights possessed or enjoyed by any person in respect of a cemetery contemplated in subsections (1) and (2) shall thereupon cease.

(6) Before acting in terms of subsections (1), (2), (3) and (4) The Municipality must give notice of its intention to do so.

## **CHAPTER 11**

### **CREMATIONS**

#### **Applications for Cremation**

52. (1) Applications for cremation must be made upon terms, at times and places and upon payment of fees as determined by the Municipality.

(2) A person may only cremate or cause to be cremated anybody within any crematorium after

- (a) complying with applicable legislation;
- (b) obtaining the approval of the Municipality; and
- (c) complying with all the conditions as determined by the Municipality.

#### **Cremations**

53. (1) Where a member of the public desires to be present at a cremator, a request for such member to be present must be made to the Municipality, which will consider the request as it deems fit.

(2) Any corpse which contains a cardiac pacemaker or radio-active implant of any kind or any other material which may result in an explosion or harmful emissions when incinerated may not be cremated unless it is removed.

(3) A crematorium shall be fitted with equipment in order to prevent the dispersion of ash into the atmosphere.

#### **Coffins for cremation**

54. (1) When cremated a corpse must be contained in a coffin.

(2) A coffin which a corpse is cremated shall be made of natural wood or other non-toxic material.

(3) No toxic varnish, paint or glue shall be utilized in the manufacturing of a coffin in which a corpse is cremated.

(4) When cremated, a coffin may only contain combustible material, including clothing, shoes and other adornments of whatsoever nature, and The Municipality shall have the right to remove non-combustible material from the coffin.

(5) Before a cremation is permitted to take place, the applicant or his or her representative shall be obliged to produce a certificate certifying that the coffin complies with subsections (2) and (3) above.

(6) No corpse may be removed from any coffin for the purpose of incineration and a coffin may not be opened in the crematorium except with the permission of the Municipality, which shall not be unreasonably withheld.

#### **General Requirements for memorials and memorial work**

55. (1) The Municipality may provide

(a) buildings, niches or other facilities for the deposit and preservation of ashes for definite periods or in perpetuity upon terms and conditions as may be determined by the Municipality.

(b) facilities for memorial tablets of approved material, upon terms and conditions as may be determined by the Municipality; and

(c) gardens for the scattering or burial of ashes, which gardens may be known as "Gardens of Remembrance".

(2) All inscriptions on niches, memorial tablets or on books of remembrance must comply with general standards of decency and propriety and must not be of such a nature so as to offend the feelings of the public.

(3) A person may only

(a) open a niche containing ashes; or

(b) remove an urn or casket containing ashes from a niche with the permission of the Municipality, which will not be unreasonably withheld.

(4) If ashes are buried in a grave in a container, such container must be constructed of perishable material.

(5) Only urns or caskets containing ashes may be deposited in a niche.

(6) The Municipality or its authorised officials will not be liable to members of the public for any damage to or theft from niches, urns, memorials or any other embellishments thereon within a crematorium under its control or its grounds.

#### **Disposal of Ashes**

56. (1) Ashes must be disposed of as requested by the applicant or his or her representative for cremation.

(2) The applicant or his or her representative must, at the time of application for cremation give directions as to the disposal of ashes.

(3) Despite the above, The Municipality has the right to dispose of the ashes in accordance with any applicable legislation.

### **CHAPTER 12 MISCELLANEOUS**

#### **Authentication and service of order, notice or other document**

57. (1) An order, notice or other document in terms of this By-law requiring authentication must be signed by, or on the instruction of a duly authorised official of the Municipality.

(2) Any notice or other document that is served on a person in terms of this By-law. Is regarded as having been served

(a) when it has been delivered to that person personally;

(b) when it has been left at that person's place of residence or business in the Republic of South Africa with a person apparently over the age of sixteen years.

(c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained

(d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), or (b) or (c);

(e) if that person's address and agent or representative in the Republic is unknown, when it has been affixed in a conspicuous place on the property or premises if any, to which it relates; or

(f) in the event of a body corporate, when it has been delivered at the registered office or the business premises of such body corporate.

(3) Service of a copy shall be deemed to be service of the original.

(4) Any legal process is effectively and sufficiently served on The Municipality when it is delivered to The Municipality Manager or a duly authorised person.

### **Complaint**

58. A person wishing to lodge a complaint with The Municipality in terms of the provision of this Bylaw must do so in writing at The Municipal Manager's office cc Director Social and Community Services.

### **Notice of compliance and representations**

59. (1) A notice of compliance must state

- (a) the name, residential and postal address of the person;
- (b) the nature of the state of disrepair;
- (c) sufficient detail to enable compliance with the notice, the measures required to remedy the memorial work;
- (d) that the person must within a specified time period take the measures to comply with the notice to diligently continue with the measures, and to complete the measures before a specific date;
- (e) that failure to comply with the requirements of the notice within the period contemplated in paragraph (d) is an offence;
- (f) that written representations, as contemplated in subsection (3) may, within the time period stipulated under paragraph (d) be made to The Municipality at a specified place.

(2) The Municipality, when considering any measure or time period envisaged in subsections (1)(d) and (e), must have regard to

- (a) the principles and objectives of the By-law;
- (b) the cause and state of disrepair;
- (c) any measures proposed by the person on whom measures are to be imposed; and
- (d) any other relevant factors.

(3) A person may within the time period contemplated in subsection (1) (f) make representations, in the form of a sworn statement or affirmation to The Municipality at the place specified in the notice.

(4) Representations not lodged within the time period will not be considered, except where the person has shown good cause and The Municipality condones the late lodging of the representations.

(5) The Municipality must consider the representations and any response thereto by an authorised official or any other person.

(6) The Municipality may, on its own volition, conduct any further investigations to verify the facts if necessary. and the results of the investigation must be made available to the person. Who must be given an opportunity of making a further response if he or she so wishes, and the Municipality must also consider the further response.

(7) The Municipality must, after consideration of the representations and responses, make an order in writing and serve a copy of it on the person.

(8) The order must

- (a) set out the findings of the Municipality;
- (b) confirm, alter or set aside in whole or in part, the notice of compliance; and
- (c) specify a period within which the person must comply with the order made by the Municipality.

(9) If the notice of compliance is confirmed, in whole or in part, or is altered but not set aside, The Municipality will inform the person that he or she must discharge the obligations set out in the notice within the time specified therein.

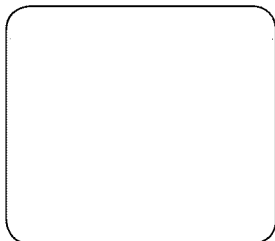
(10) Where there has been no compliance with the requirements of the notice within the time specified therein, The Municipality may take such steps as it deems necessary to repair the monumental work and the cost thereof must be paid to The Municipality by such person.

### **Costs**

60. Should a person fail to take the measures required of him or her by notice, The Municipality may recover from such person all costs incurred as a result of it acting in terms of section 59(10).

**CONTINUES ON PAGE 386 - PART 4**





THE PROVINCE OF MPUMALANGA  
DIE PROVINSIE MPUMALANGA

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**Appeal**

61. A person whose rights are affected by a decision delegated by The Municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems, 2000 (Act No. 32 of 2000) to the Municipality Manager within 21 days of the date of the notification of the decision.

**Charges**

62. The prescribed fees to be paid to The Municipality in terms of this By-law must be determined in terms of the Thaba Chweu Local Municipality: Tariff By-law.

**Offences and Penalties**

63. (1) A person who contravenes the provisions of sections 3(1), 4(2), 4(3), 5(1), 5(2), 5(3), 5(4), 7, 12, 13, 14(1), 14(2), 14(3), 15, 16(3), 16(4), 18(2), 19, 21(1), 21(4), 25(3), 26(3), 26(4), 26(6), 27(3), 27(5), 28(2), 30(2), 34(1), 34(4)(a), 35(1), 36(1), 39(1), 39(2), 40, 41(1), 41(2), 43, 52(2), 53(1), 53(2), 54(1), 54(2), 54(3), 54(4), 54(5), 54(6), 55(3), 55(4) or 55(5) commits an offence.

(2) A person who has committed an offence in terms of this By-law will be, on conviction, liable to a fine not exceeding R50 000.00 (Fifty Thousand Rand) or in default of payment, to imprisonment for a period not exceeding six (6) months, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment.

**Limitation of liability**

64. The Municipality is not liable for any damage or loss caused by:

- (a) its authorised officials in exercising any power or performing any function or duty in good faith under this By-law;
- (b) its authorised officials in failing to, exercise any power, or perform any function or duty in good faith under this By-law; or
- (c) the exercise by a person of a right which he or she has obtained from the Municipality.

**Exemptions**

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

(2) The Municipality may

- (a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted must be stipulated therein;
- (b) alter or cancel any exemption or condition in an exemption; or
- (c) refuse to grant an exemption.

(3) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by The Municipality under subsection (2). If an activity is commenced with before such undertaking has been submitted to the Municipality, the exemption granted shall be of no force and effect.

(4) If any condition of an exemption is not complied with, the exemption lapses immediately.

(5) The failure to comply with a condition of an exemption in terms of subsection (2) constitutes an offence.

**Powers and Functions**

66. (1) Unless otherwise stated in this By-law, The Municipal Manager shall be responsible for

- (a) All functions and decisions contemplated in this By-law;
- (b) The administration of this By-law.

(2) The Municipal Manager may delegate any of his powers or functions to an appropriate authorised official with the power to sub-delegate in order to maximise administrative and operational efficiency.

**Liaison forums in community**

67. (1) The Municipality may establish one or more liaison forums in a community for the purposes of  
(a) creating conditions for and encouraging, a local community to participate in the affairs of The Municipality relating to the matters regulated in this By-law; and  
(b) promoting the achievement of a healthy environment, insofar as they may relate to matters regulated in this By-law.

(2) A Liaison Forum may consist of

- (a) a member or members of an interest group, or affected persons~
- (b) a member or members of a community in whose immediate area a cemetery exists;
- (c) a designated authorised official or authorised officials of the Municipality; and
- (d) the responsible councillor in such community.

(3) The Municipality may, when considering an application for consent, or exemption in terms of this By-law request the input of a liaison forum.

(4) A liaison forum or any person or persons contemplated in subsection (2) may, on their own initiative, submit an input to The Municipality for consideration.

**Guidelines and Policies**

68. The Municipality may at any time develop guidelines and policies in respect of cemeteries, crematoria, funeral undertakers, any matter connected therewith, and any other matter regulated in terms of this By-law.

**Repeal of By-laws**

69. (1) The Thaba Chweu Local Council: By-law for Cemeteries adopted Local Authorities Notice No. 2110 of 22 June 1994 is hereby repealed.

(2) In the event of any other By-law of The Municipality being inconsistent with this By-law, the provisions of this By-law shall prevail to the extent of the inconsistency.

**Short title and commencement**

70. This By-law is called the Thaba Chweu Local Municipality: Cemeteries, Crematoria and Funeral Undertakers By-law, 2018/19. 01/07/2018 Resolution No A13/2018

**Notice No:46/2019**

## PROVINCIAL NOTICE 53 OF 2019

**THABA CHWEU LOCAL MUNICIPALITY**

The Municipal Manager of the Thaba Chweu Local Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Bylaws relating to the By-Law/By-Law On The Regulation Of External And Privately Owned CCTV (Closed Circuit Television) Cameras On Municipal Property for the Thaba Chweu Local Municipality as approved and adopted by Council on 28 February 2018 under Resolution No. A13/2018 Municipality CCTV By-Law

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*Annexure 8.1*

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*Annexure 8.7*

*Annexure 8.8.1*

*Annexure 8.8.2*

*Annexure 8.9*

1. **DEFINITIONS AND ABBREVIATIONS**

**Applicant**

means an individual or corporate body or registered organisation applying to the Thaba Chweu Local Municipality for authority to install CCTV system, camera, equipment on municipality property.

<b>Camera Housing</b>	means the cover or container on cameras designed to protect from it from the weather.
<b>CCTV</b>	means Closed-Circuit Television and is the industry standard in surveillance cameras;
<b>Council</b>	means the municipal council of Thaba Chweu Local municipality;
<b>ICASA</b>	means the Independent Communications Authority of South Africa;
<b>Infrastructure</b>	means any land, road, building or fixture attached to it, any pole, fence, wall, bridge, sign, cabling, tree, tower or fixture attached to it.
<b>Municipality</b>	means the Thaba Chweu Local Municipality
<b>Municipal Property</b>	means land, structures and infrastructure owned by the Municipality ;
<b>Person</b>	includes a natural or juristic person;
<b>Register</b>	means a process whereby an applicant completes a register with the municipality to register a CCTV system, camera or any related equipment on municipality land or infrastructure;
<b>Structure/s</b>	means an item or items made up of a number of parts that are held or put together in a particular way;

**Temporary Installation** means the installation of a CCTV camera or system on Municipality land or infrastructure, not exceeding thirty (30) days. This includes a trailer adapted to be a roving mobile CCTV camera device;

**Community Services**

**Department** means the community services department of the Thaba Chweu Local Municipality

**Vetting Committee** means a committee headed by the Municipality.

## **2 BY-LAW PARAMETERS**

2.1. This by-law applies to private and external CCTV cameras, installed on municipal land and infrastructures as well as private CCTV cameras installed on private property, with the owners consent to monitor the Municipality's public area and those CCTV cameras which forms part of a broader CCTV network on traffic and crime prevention.

2.2. This by-law is intended to regulate and not restrict the erecting of CCTV infrastructure on Municipality structures.

2.3. This by-law is applicable within the boundaries of the Municipality.

2.4. This by-law has transversal implications, as it affects the various departments responsible for the structures, where CCTV systems will be installed.

2.5. Municipality department's is not required to follow the application process, but merely register the locations of the CCTV cameras with the

Community Services Department, for documentation and database recording purposes, using Annexure 8.9.

### **3. ROLE PLAYERS AND STAKEHOLDERS**

#### **3.1. The Community Services Department : CCTV Section**

3.1.1. The CCTV section is responsible for the implementation and monitoring of this by-law.

3.1.2. The CCTV section shall coordinate the vetting committee which shall review all applications on a monthly basis or as deemed suitable by the manager of the CCTV section.

3.1.3. All applications shall be submitted to the CCTV section that shall facilitate the smooth application and registration process of CCTV cameras.

3.1.4. The CCTV section shall maintain a central database of CCTV cameras in the Municipality

#### **3.2. Community Services Department**

The Head of the Community Services department is responsible to have a representative on the vetting committee to consider the placement of the CCTV camera / equipment on a Municipality structure or open space and to verify that the technical aspects of the application meet the structural and durability tolerances within the necessary limits.



### **3.3. Electricity Department**

The Electricity Department will be responsible for advising on the wayleave process for electrical supply issues and to verify that an electricity pole or light pole will meet the structural and durability tolerances within the necessary limits, to accommodate CCTV camera and related equipment

### **3.4. Other Municipality departments**

Any line departments required to facilitate the application process will have a representative on the vetting committee.

### **3.5. Stakeholders who could benefit from this by-law:**

- ✂ South African Police Services
- ✂ Community Police Forums
- ✂ Business
- ✂ Registered Ratepayers Associations
- ✂ Registered Neighbourhood Watches
- ✂ Registered Community Organisations

## **4. REGULATORY CONTEXT**

4.1. The CCTV System that is envisaged for installation by the successful applicant may not infringe any stipulations as prescribed by the following legislation:

4.1.1. The Constitution of the Republic of South Africa, 1996

4.1.2. Telecommunications Act, 1996 (Act No. 103 of 1996).

4.2. This by-law should also be read with the following by-laws:

4.2.1. Municipality Electricity Supply bylaw.

4.2.2. Municipality Outdoor Advertising and Signage Bylaw.

4.2.3. Municipality Traffic and Crime Prevention Bylaw.

4.3. Reference to the applicable legislation must be made in the applicant's business plan. Applicants in contravention of any law whilst in operation will have to cease operations and remedial action will need to take place.

## 5. **BY-LAW DIRECTIVES**

### 5.1. **Mandatory criteria required in application- New Installations**

5.1.1. The application for permission to install a new system on a Municipality structure must provide written motivation in the form of an application to Vetting Committee, via the Head of Community Services - CCTV section, as per 5.2 of this by-law.

5.1.2. All the applicable annexures as listed must be duly completed and submitted

#### 5.1.3 **Criteria for subsidization**

- The applicant should be a Municipality, a registered community-based organisation, a registered neighbourhood watch, a community police forum or a ratepayer's association, setting up its own community CCTV system.
- The CCTV camera will be used for safety and security purposes, i.e. crime, traffic and fire incidents as well as by-law enforcement.
- The final location of the camera will be selected by the Municipality.

- 4 The CCTV camera must be a controllable camera that the Traffic Police or service provider can operate and control.
- The CCTV camera must record as per the set timeframe set in the CCTV by-law.
- The area must be monitored at all times.

#### **5.1.4 Provision to cease subsidization**

The Municipality reserves the right to cease the subsidised imbursement for the electrical supply to the CCTV camera site, should the CCTV camera, equipment and site not be properly maintained.

### **5.2. Submitting of Application**

The following items will form the core of the application:

#### **5.2.1. Applicant's Business Plan:**

A complete written motivation is required with reasons as to why the system or camera is required and supported with proof. A funding and operational cost sustainability strategy to be provided. The application form is attached in Annexure 8.1

#### **5.2.2. Proof of consultation with External Groups and Bodies:**

Proof of consultation with the relevant and interested authorities in a specific area is needed to process the application. These bodies might include the local South African Police Service, Community Police Forum, Special Rating Area or Registered Neighbourhood Watch.

**5.2.3. Background reference of applicant:**

A background reference and proof of address must be submitted with business plan.

**5.2.3.1 System Specifications:**

Specifications must be submitted in the application, with relevant contact numbers. The specifications must be in line with the Consumer Goods Council Recommended CCTV Industry Guidelines. The CCTV system must have the ability for the Traffic Police CCTV section to connect to the system at any time and view the imagery in the event that this is required.

**5.2.4. Third Party Infrastructure :**

The Geographical CCTV Camera layout and the Schematics of the following must be submitted with the application:

- ⌘ Wireless Network layout inclusive of antennae and transmission equipment.
- ⌘ Fixed line layout of fixed solid cable linked to two or more devices.
- ⌘ Backbone layout related to the main network carrier.
- ⌘ Typical camera installation layout (one or more if different)
- ⌘ Control Room layout where CCTV images are monitored, recorded and stored
- ⌘ How the Traffic Police will connect to the system.

**5.2.5. Monitoring Specifications:**

The following information must be submitted with the relevant contact details:

- ⌘ Location of the control room or monitoring centre.

- ⌘ The Company contracted to conduct the monitoring  
Any changes to the location or contracted company must be forwarded to the Vetting Committee in writing, thirty days in advance of the change.

**5.2.6. Pre & Post on-site inspection and acceptance:**

Prior and post installation inspections will be done by a person/s designated to do so, by the Vetting Committee.

**5.3 The Application Process**

- 5.3.1 Once the applicant submits the application set out in 5.1, the application will be considered for approval.
- 5.3.2 The Vetting Committee shall consider the application in the first instance.
- 5.3.3 If the application is accurate and complete, it shall be sent to the relevant department.
- 5.3.4 It shall be the responsibility of the relevant department, whose structure the applicant applies to utilise, to verify that the technical aspects of the application meet the structural and durability tolerances within the necessary limits.
- 5.3.5 If the department responsible for this structure is satisfied with the load test and tolerances, the Vetting committee shall approve the request. If the application is rejected by the Vetting Committee, the applicant can object to such decision via the office of the Municipality Manager.

5.3.6 If the Municipality structure is not a viable option, the applicant will have to consider another placement option, such as applying for a wayleave to install a pole on Municipality property.

5.3.7 The successful applicant shall be required to adhere to any rules, regulations and limitations set out by the Vetting Committee in the approval.

5.3.8 The applicant shall be bound to all written agreements relating to this by-law.

#### **5.4 Registration of municipality or service provider appointed by municipality -owned CCTV Cameras**

5.4.1 All existing Municipality / service provider -owned CCTV cameras are required to be registered with the Vetting Committee.

5.4.2 Thaba Chweu Local Municipality departments are to follow the registration process as per Annexure 8.9 in this by-law

#### **5.5 Areas requiring special approval for Third Party installations**

5.5.1 The installation of CCTV cameras by private organisations on the following structures will require special approval from the owner

- ⌘ Municipality Buildings
- ⌘ Provincial Roads
- ⌘ Near any or on a Traffic Police Camera, serving similar purpose
- ⌘ Bridges
- ⌘ Signboards
- ⌘ Traffic Signals
- ⌘ Information Boards
- ⌘ Any other structure / property belonging to Municipality, deemed prohibited by the Vetting Committee

- ⌘ Government Buildings
- ⌘ National Key Points
- ⌘ South African Police Community Service Centres
- ⌘ Schools

## **5.6 The Erection of Temporary Cameras**

5.6.1 An applicant, who would like to install a temporary CCTV camera for a period not exceeding 30 days, needs to complete only Annexures 8.2 and 8.4

5.6.2 This application must be submitted to the Vetting Committee for permission before the temporary installation takes place by the applicant.

## **5.7 Existing Third party CCTV system or cameras in operation on Municipality Property or Structures**

5.7.1 All third party CCTV systems and cameras on Municipality property and Municipality structures need to be registered with the Thaba Chweu Local Municipality.

5.7.2 The registration process is the same as that set out in 5.3 and the relevant documentation as attached in Annexure 8.1 and 8.2 to be completed.

5.7.3 If a system is identified as unregistered after, the unregistered CCTV equipment or systems shall be dealt with as stipulated in items 5.8.4 to 5.8.6

**5.8 Unregistered CCTV Equipment and cameras**

- 5.8.1 Should any camera, equipment, system or part thereof not be registered in accordance with this by-law, a notice will be issued by attaching the notice to the CCTV structure, to register the CCTV camera. The first notice is attached in Annexure 8.8.1.
- 5.8.2 After fourteen days, if no contact is made with the Municipality official whose details appear on the first notice, a second notice will be issued (Annexure 8.8.2 ) and the system could be switched off and removed (in the case of a camera).
- 5.8.3 If contact is made with the Municipality official for the camera registration, the applicant will be permitted to operate the system, on condition that an application for camera registration is made.
- 5.8.4 The application to register the CCTV camera or equipment must be submitted to the vetting committee within one month from the date that contact is made with the Municipality official, whose name appears on Annexure 8.8.1. If the application is rejected by the Vetting Committee, the applicant can object to such decision via the office of the Municipality Manager within seven days.
- 5.8.5 If no objection is made by the applicant or the objection is unsuccessful, all the CCTV and related equipment must forthwith be removed from Municipality property in an appropriate manner.
- 5.8.6 If this notice is not adhered to, the Municipality will remove the CCTV system completely and hand in at the nearest police station or be held in lockup for three months in a Municipality facility and thereafter it shall be auctioned off or disposed of, as the Municipality sees fit.



5.8.7 If the CCTV system is retrieved by the owner within the three month period, the cost for the de-installation, removal and storage of equipment must be settled immediately by the owner and released upon receipt of payment.

**5.9 Third party CCTV Inspections.**

5.9.1 All third party applicants must ensure that proper records of their CCTV system are kept.

5.9.2 Inspections shall be carried out by a person designated by the Vetting Committee for compliance with this by-law.

**5.10 Acceptance of costs and liability**

5.10.1 All costs to setup, install and maintain the system will be borne by the applicant.

5.10.2 All liability will be borne by the applicant.

5.10.3 The Municipality will be exempt from all liability arising from this application. This will also apply during installation of the relevant system as well as during the operation thereof.

5.10.4 Any damage to the applicants system is at their expense and the Municipality will not be liable to the recovery of costs or repair, even should the damage arise from Municipality departments.

5.10.5 Any damage or unauthorized modification to the Municipality's infrastructure must be repaired or made good at the cost of the applicant within an agreed upon time.

- 5.10.6 All equipment must be insured against personal liability and damage by the applicant and necessary documentation must be provided as proof.

## **5.11 Structures other than Municipality property**

- 5.11.1 CCTV installations on private property, that monitor public urban space and that do not form part of a broader CCTV network i.e. transmitted and recorded off-site, do not require the authorization of the Vetting Committee. The location of the cameras and reasons for the installation must however be submitted (annexure 8.7) to the Vetting Committee to ensure that all cameras, viewing public space, including a road, are used for legitimate policing efforts, which are in the broader community's interest and not for any illegal activities or purpose.

- 5.11.2 A database of all third party cameras monitoring Municipality property viewing public space shall be kept by the Community Services CCTV Department.

- 5.11.3 The Municipality holds the right to utilize the public space as the necessity dictates and takes precedent above the camera installations, existing or new.

## **5.12 Structure and Equipment Specifications**

- 5.12.1 The structure specifications shall be set out by the Municipality line departments and the Vetting Committee.
- 5.12.2 The applicant will ensure that the Municipality structure is not damaged or modified in such a way that it does not serve its original purpose.

### **5.13 Handling of evidence and recordings (Recorded and still imagery / footage)**

5.13.1 Each camera should record and have footage available up to 20 days. (Optimal)

5.13.2 Systems that are unable to meet the optimal recording requirement, requires a measure to be put in place, in order for the relevant imagery to be removed and stored by the relevant CCTV control centre in a safe place, until such time that it can be utilized for investigation or court purposes by the investigating officer.

5.13.3 The person downloading such evidence onto a movable media source will be required to provide a statement to the court when required, confirming that they have done such transfer, without altering or manipulating any data thereon. Attesting to the evidence provided, may be required to be done in court.

5.13.4 All CCTV footage / imagery of recorded incidents, that require further investigation, must be stored in a safe place; preferably a locked steel safe and a removal register, tracking such removal.

5.13.5 All CCTV footage is to be treated as confidential evidence and be handled in that manner.

Footage should only be released to South African Police Service or Thaba Chweu Traffic Department.

## **6 IMPLEMENTATION PROGRAMME**

- 6.1 All CCTV cameras installed on Municipality Property prior to this by-law are required to be registered by the Municipality Community Services Department -CCTV Section.
- 6.2 All CCTV cameras on private property, forming part of a broader CCTV network of an organisation, monitoring public area are to be registered on or before **31 December 2017** with the Municipality Community Services Department -CCTV Section.
- 6.3 All private CCTV cameras on private property, monitoring public area, but not forming part of a broader CCTV network i.e. recorded and transmitted off-site, are to be registered with reasons for the camera viewing the public space. The location of the camera will be a benefit to police investigators and the community can be contented that the camera is being used in their interest, which is safety and security.
- 6.4 All new CCTV camera installations are to follow this by-law and process.

## **7 MONITORING, EVALUATION AND REVIEW OF BY-LAW**

- 7.1 It is the responsibility of the Municipality Community Services Department - CCTV Department to maintain the database of registered CCTV cameras on Municipality structures.
- 7.2 The success of the by-law will be measured in terms of the number of CCTV cameras that are registered with the Municipality and how many new applications are received.

- 7.3 This by-law will be evaluated every two years or when there is a change in any law, affecting this by-law.

## **8 ANNEXURES**

8.1 Application form

8.2. Camera Registration form

8.3. Structure specifications

8.4.1. Notice of impending removal of CCTV equipment on municipality property

8.4.2. Notice of removal of CCTV equipment on municipality property

8.5. .CCTV cameras installed on public roads by Municipality departments

**Annexure 8.1**

<b>APPLICATION FORM TO INSTALL / OR CCTV CAMERAS ON MUNICIPALITY PROPERTY</b>	
Name of organisation	
Representative Name	
Address of Organisation	
Tel of Organisation	
Tel of Representative	
E-mail address of Org	
E-mail address of Rep	
<b>Please submit the following details</b>	
Reason for application	Full Motivation with factual info and complete understandings
Approvals	Letter of acknowledgment from the South African Police Area Station Commander, Community Police Forum, Central Improvement District or Neighbourhood Watch
Business Plan	Short, Medium and Long Term plan for CCTV System
CCTV Monitoring Centre	
CCTV Locations	Complete Annexure 8.2
CCTV Cam GPS Co-ordinates	
Schematics and Diagrams	Separate page, preferably to scale, with all dimension given.
Envisaged Start Date	
Completion Date	
Date Application received:	

**Annexure 8.2**

<b>THABA CHWEU LOCAL MUNICIPALITY CCTV CAMERA REGISTRATION FORM</b>				
<b>INFORMATION REQUIRED FOR CCTV DATABASE</b>				
No	Location	At intersection or between which roads	Purpose	PTZ or Static
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
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17				
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20				

**Annexure 8.3****CCTV APPLICATION CHECKLIST BEFORE SUBMISSION**

ITEM		TICK BOX
a) Application Form		
b) Full motivation with factual information & complete understandings		
c) Approval- letter from Area Station Commissioner		
d) Approval- letter from Community Police Forum, Central Improvement District or Neighbourhood Watch		
e) Approval from all relevant bodies in the CCTV Project area		
f) Business Plan- Short, Medium and Long Term Plan		
g) Geographical area for the CCTV Project		
h) CCTV Locations List		
i) CCTV Locations GPS Co-ordinates		
j) CCTV System Specifications		
k) CCTV Monitoring Specifications		
l) CCTV Monitoring Centre		
m) Schematics and diagrams		
n) References of Installers		
o) Acknowledgement and Acceptance of costs & liability.		
p) Approval for Special Areas (if any)		

**APPLICATION PROCESS FLOW**

1. Receive application
2. Check application for all necessary requirements
3. Table to Vetting Committee
4. Acceptance that application meets initial requirements
5. Distributed to respective line departments.
6. Comments from line department
7. Approval / Rejection of application



**Annexure 8.4****APPLICATION TO INSTALL CCTV CAMERAS ON MUNICIPALITY'S PROPERTY FOR 30 DAYS OR LESS**

Name of organisation	
Representative Name	
ID Number	
Address of Organisation	
Tel of Organisation	
Tel of Representative	
E-mail address of Org	
E-mail address of Rep	
<b>PLEASE SUBMIT THE FOLLOWING DETAILS</b>	
Reason for application	
CCTV Monitoring Location	
CCTV Locations	Annexure 8.2 to be attached to this application
CCTV Cam GPS Co-ordinates	Optional
Schematics and Diagrams	Installation.
Envisaged Start Date	
Completion Date	
Date Application Received:	

**Annexure 8.5****THABA CHWEU MUNICIPALITY STRUCTURE SPECIFICATIONS****Electricity Services****Infrastructure Cameras and Connection Boxes will be allowed on:**

- Low Voltage Distribution Mains Poles only, i.e. only electricity poles that have mains wires on and that form part of the Low Voltage Overhead Line Network.
- No camera's or connection boxes for cameras are allowed on streetlight poles or standalone distribution poles.
- Only two cameras allowed on any such pole.
- Wireless antennas are not allowed to encroach on the minimum clearances as listed below and must be aesthetically pleasing.

**Installation allowed on LV Distribution Mains Poles.**

- The electrical connection from the mains wires will have to be done by the relevant Construction Section of the affected Distribution District. Cost to be determined by District System Development. It will be a fixed rate tariff, no meter.
- The camera installation is to be SANS 0142 compliant and a Certificate of Compliance to be issued by the contractor installing the electrical connection box prior to switch on.
- The camera installation to be at least 1m below any streetlight luminaire, where there is no streetlight luminaire, the camera installation to be 1m below the overhead line conductors.
- All cable and wire used to be UV rated and properly terminated via a gland.
- If deemed necessary there shall be earth leakage provided by the installer of the camera equipment.

**Installation of Cameras and Connection Boxes other than on Distribution Mains Poles.**

- In areas where the Low Voltage Network is underground and only streetlight poles exist, no cameras or connection boxes will be allowed to be mounted on the streetlight poles.
- In this case the requestor will have to provide and install a suitable pole as per the industry standard and install the equipment on it. A maximum of two cameras allowed per pole.
- The cable should run internally in the pole and no cables to be visible on the outside.
- The requestor is to provide and install the supply cable up to the allocated mains kiosk and leave enough slack/spare for the cable to be terminated in the kiosk. No joints allowed.

■ Connection fee and fixed rate tariff to be provided by District System Development. All work to be in accordance with Electricity By-Laws and SANS 0142. A Certificate of Compliance is to be provided prior to switching on.

■ All way leaves and the necessary permits to be obtained by the contractor installing the cable and pole/s.

### **Reasons for not installing on streetlight poles**

■ It is not acceptable practice to have two separate supplies on one pole.

■ The streetlight poles are not designed to carry boxes and cameras on them.

■ The maximum bending ratings of streetlight poles are not the same.

■ Streetlights are not designed to support ladders for maintenance purposes.

### **Other Comments**

■ Camera weights and dimensions to be provided.

■ Connection boxes to be standard and the same colour as existing boxes on Electrical Services infrastructure.

■ Electricity Services not responsible for cleaning and maintaining cameras.

■ No Electricity Services Aerial Platform may be used by the contractor for installation, maintenance or servicing of the camera.

■ All requests to be treated as projects run by District System Development and Construction in the three Areas and twelve Districts.

■ No cameras or other CCTV equipment to be installed on Medium or High Voltage Overhead line networks.

■ Camera casing to include permanent display of contact details such as telephone number of the responsible person to be contacted with respect to the camera installation.

■ Electricity Services shall not be held responsible for any damage as a result of the pole getting damaged, the camera equipment being vandalized or the camera malfunctioning as a result as of any supply related problems.

## Annexure 8.6

### APPLICATION FOR NEW OR MODIFIED ELECTRICITY SUPPLY SERVICE

Only the property owner may apply for a new connection or a change to the existing supply to the property.

Proof of ownership of the property (property rates account / title deed / proof of registration) must be attached to the application form.

If the owner is a private person, a copy of his/her identity document or passport must be attached to the application form.

If the owner is not a private person, a copy of the business / trust / body corporate registration form must be attached to the application form.

#### 1 SERVICE LOCATION

Erf number

Township / Suburb / Farm

Physical address

Code

#### 2 PROPERTY OWNER (APPLICANT)

Business partner number  
as per municipal account

Contract account number

Title

Mr

Mrs

Ms

Dr

Rev

Prof

Sir

Other

First name / Company name

Second name / Trading as

Surname

Type of identification  
attached to application

ID document

Passport

Company registration documents

Trust

Identity number /  
Business registration number

Tax invoice required

Yes

No

Address where documentation must be sent to, if different from physical address:

Postal address

Code

Telephone number

Fax number

Cellphone number

Email address

Quotation to be

Posted

Faxed

Emailed

**3 CONTACT PERSON (PERSON TO BE CONTACTED IN CASE OF ANY QUERIES)**

Title; First name

Surname

Telephone number

Fax number

Cellphone number

Email address

**4 ELECTRICAL CONTRACTOR (PERSON RESPONSIBLE FOR INSTALLATION WORK WITHIN PROPERTY BOUNDARIES)**

Title; Name &amp; surname

Company

Registration number\*\*

Telephone number

Fax number

Cellphone number

Email address

\*\* Registration as electrical contractor with the Department of Labour (process managed by the Electrical Contractors' Association)

**5 ELECTRICITY SUPPLY SERVICE****5.1 Existing installation**

Category	Residential	Commercial	Industrial	Temporary supply	No supply
Service connection	Underground	Overhead			
Existing supply to premises		A or kVA or MVA		Single phase or	Three phase
Meter number					

**5.2 Service required**

New supply	Upgrade / downgrade	Residential	Commercial	Industrial	Temporary supply
Convert to prepayment meter (max 100 A 3 phase)		Additional (second) meter		Overhead to underground	
Tariff change					Other
Required supply to premises		A or kVA or MVA		Single phase or	Three phase

Details with respect to current tariffs are available at

Printed copies are available on request

You are advised to acquaint yourself with the tariffs available and applicable conditions, and consult with your electrician or consultant. A wrong or inappropriate tariff choice may result in delays with the quotation process or unnecessarily high electricity bills.

Domestic (will convert to LifeLine if complying)

Small Power 1

Small Power 2

Small Power with Off-peak

Large Power Low Voltage

Large Power Medium Voltage

Large Power Time of Use

## 6 DECLARATION

I/we, the owner(s) of the property, hereby declare that I/we have taken the necessary steps to ensure all information contained in this application is correct. I/we request a new or modified electricity supply service as specified, at the tariff indicated. I/we further acknowledge and agree to comply with the provisions of the City of Cape Town Electricity Supply By-law and Conditions of Supply<sup>42</sup>.

Available at: \_\_\_\_\_

Owner's name /

Owners' names

Owner's signature /

Owners' signatures

Date 2 0 year month day 2 0 year month day

If signing on behalf of the property owner(s), an approved letter of proxy must be attached to this application.

Proxy's name

Proxy's signature

Date 2 0 year month day

Official's name

Official's staff number

FOR OFFICIAL USE THABA CHWEU MUNICIPALITY – OFFICIAL RECEIVING APPLICATION FORM

**Annexure 8.7**

<b>CCTV CAMERAS ON PRIVATE PROPERTY, MONITORING PUBLIC AREA</b>	
Owner of Property	
Owner contact number	
Erf Number	
Address	
Organisation monitoring the camera or private camera	
Contact number	
Responsible Person	
E-mail address of Org	
E-mail address of Owner	
<b>PLEASE SUBMIT THE FOLLOWING DETAILS</b>	
What is the camera viewing / Purpose of the camera	
CCTV Monitoring Centre	
CCTV Cam GPS Locations	
*Attach Map for reference**	
Submitted by:	
Date:	

**Annexure 8.8.1****NOTICE OF IMPENDING REMOVAL OF CCTV EQUIPMENT ON THABA CHWEU MUNICIPALITY PROPERTY**

**PLEASE BE INFORMED THAT THIS EQUIPMENT IS INSTALLED ILLEGALLY ON THABA CHWEU MUNICIPALITY PROPERTY AND WILL BE REMOVED AFTER 14 DAYS OF THIS NOTICE, IF NO CONTACT IS MADE WITH THE OFFICIAL BELOW TO REGISTER:**

FOR FURTHER DETAILS PLEASE CONTACT:

NAME: .....

CONTACT NUMBER: .....

DATE OF NOTICE: .....

**Annexure 8.8.2****NOTICE OF REMOVAL OF CCTV EQUIPMENT ON THABA CHWEU MUNICIPALITY PROPERTY**

**PLEASE BE INFORMED THAT THIS EQUIPMENT WAS INSTALLED ILLEGALLY ON THABA CHWEU MUNICIPALITY PROPERTY AND HAS BEEN REMOVED. IF EQUIPMENT IS NOT COLLECTED WITHIN 90 DAYS, THE CITY SHALL AUCTION OFF THE EQUIPMENT.**

FOR FURTHER DETAILS PLEASE CONTACT OFFICIAL:

NAME: .....

CONTACT NUMBER: .....

DATE OF REMOVAL: .....



**Annexure 8.9****CCTV CAMERAS INSTALLED ON PUBLIC ROADS BY MUNICIPALITY DEPARTMENTS.****This is for registration and database information only****THABA CHWEU MUNICIPALITY**

Line Manager	
Project Manager	
Department Address	
E-mail address of Line Manager	
E-mail address of Project Manager	
Brief description of the CCTV Project	
CCTV Monitoring Centre	
Submitted by:	
Date:	

No	Location	At intersection or between which roads	Purpose	PTZ Static or
1				
2				
3				
4				
5				
6				
7				
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10				

## PROVINCIAL NOTICE 54 OF 2019



## THABA CHWEU LOCAL MUNICIPALITY



## MINI BUS TAXIS &amp; BUSES BY-LAWS

The Municipal Manager of the Thaba Chweu Local Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the By-laws relating to the Mini Bus Taxis & Buses By-Law for the Thaba Chweu Local Municipality as approved and adopted by Council on 28 February 2018 under Resolution No. A13/2018

**PREAMBLE**

In terms of Section 11(3) (m) of the Local Government Municipal Systems Act 2000 (Act 32 of 2000) the Municipality, in exercising its legislative and executive authority and in line with its integrated development plan (IDP) has identified the need to formulate By-laws relating to Mini Bus Taxis & Buses for its community and to be known as the Thaba Chweu By-laws relating to Mini Bus Taxis & Buses.

**PURPOSE AND SCOPE OF THIS BYLAW**

The purpose and scope of this By-law is to regulate the operation of the mini bus taxis and buses industry within its area of jurisdiction of the Thaba Chweu Municipality

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3. Establishment of bus ranks
4. Parking or standing time at loading bays

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**PART 1****1. DEFINITIONS**

For the purpose of these Bylaws any word that has a meaning assigned to it in the National Road Traffic Act or the Road Traffic Regulations promulgated thereunder, shall have the same meaning in these Bylaws. In case of any conflicts in the definitions, the meanings as described in the National Road Traffic Act 1996(Act No.93 of 1996) prevails. Unless the context otherwise indicates, the under-mentioned words shall have the following meanings:-

**Act** means the National Road Traffic Act, 1996 (Act No. 93 of 1996);

**Authorised Officer** means an examiner of vehicles, examiner for driving licenses, or traffic officer and also any other person declared by the Minister of Transport by regulation to be an authorised officer, from time to time, and shall include a peace officer as defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996);

**Bus** means any vehicle designed or adapted and used to carry more than sixteen (16) passengers operated by a public transport company or by any private company, company or organization.

**Bus Stop** means that portion of a street designated by a sign or marking for the purpose of loading and unloading bus passengers;

**By-law** means the Thaba Chweu By-law which regulate the mini bus and taxi industry in the Thaba Chweu jurisdiction;

**Manager Public Safety** means the manager public safety of the Thaba Chweu Local Municipality appointed by Council, or during his or her absence, the officer acting in such capacity.

<b>Conductor</b>	means the person in the employ of the “operator” having charge of a minibus-taxi vehicle and/or bus for the purposes of collecting fares thereon, and shall include, in the case of a one-manned vehicle, the employee in charge of such vehicle;
<b>Council</b>	means the Thaba Chweu Municipal Council and includes any person with delegated authority to act on behalf of the Council;
<b>Driver</b>	means any person who drives or attempts to drive a public transport vehicle;
<b>Driver or Operator</b>	means any person who drives, operates, is in charge of or is in actual physical control of a vehicle including a driver, leader or rider of an animal;
<b>Emergency</b>	means any sudden, unexpected or unforeseen occurrence or any civil unrest, or taxi/bus violence or unforeseen natural catastrophe/disaster
<b>Expiry date</b>	means the 31 December
<b>Holding</b>	means the parking of a minibus-taxi and/or bus between trips;
<b>LRTP</b>	means the Local Road Transport Permit issued in terms of the Act
<b>Municipality</b>	means the Thaba Chweu Local Municipality
<b>Municipal Manager</b>	means the Official duly appointed by Council to this position or any person authorised to act as municipal manager;
<b>Midibus</b>	means a sub-category of bus, designed or modified solely or principally for the conveyance of more than 16 and less than 35 seated persons(including the driver)

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<b>Minibus-Taxi</b>	means a public transport vehicle designed solely or principally for the conveyance of not more than fifteen passengers and not less than nine including the driver, and used for hire or reward and operating or plying for hire and reward or as defined by future legislation in terms of unscheduled services;
<b>Mini bus-taxi operator</b>	means the person responsible for the use of a minibus-taxi, and who has been registered as the operator with the provincial Registrar and in terms of the National Road Traffic Act;
<b>Minibus-taxi and/or Bus Rank</b>	is any place set aside by Council, marked by means of prescribed road markings and/or traffic signs and numbered, for the exclusive use of the minibus-taxi or bus displaying the appropriate minibus-taxi or bus rank permit disc;
<b>Minibus-taxi or bus rank permit</b>	is a written consent, issued by Council for a minibus-taxi or bus operator to operate from a specific minibus-taxi or bus rank;
<b>Minibus-taxi or bus rank permit disc</b>	is a disc, issued by Council indicating the rank number that can be used by the minibus-taxi or bus displaying the said minibus-taxi or bus rank permit disc;
<b>Minibus-taxi or bus stop</b>	is an area indicated by prescribed road markings and / or traffic signs, designated by Council for the exclusive use of a minibus-taxi or bus displaying the appropriate minibus-taxi or bus rank permit disc, for loading and off-loading passengers only and it is not a parking or holding area;
<b>NLTTA</b>	means the National Land Transport Act 5 of 2009

<b>Operator</b>	means the owner or the person who is in possession of an LRTB Permit or permission to operate a service in terms of the Act
<b>Owner</b>	means a person in whose dominion or ownership of the public transport vehicle vests
<b>Police Officer</b>	means a traffic officer of the municipality appointed by the municipality or a member of the South African Police Service or a member of the Road Traffic Inspectorate (RTI) or Traffic Warden or Peace Officer or Service Provider staff appointed by the Municipality;
<b>Public Bus or Bus</b>	means a public transport vehicle designed solely or principally for the conveyance of more than 15 passengers and used for hire and reward and operating or plying for hire and reward in terms of a scheduled service and in respect of which a public road carrier permit has been issued by a Local Road Transportation Board over a route falling within or partially within the area of jurisdiction of the Council.
<b>Public road</b>	<p>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—</p> <ul style="list-style-type: none"><li>(a) the verge of any such road, street or thoroughfare;</li><li>(b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and</li><li>(c) any other work or object forming part</li></ul>



	of or connected with or belonging to such road, street or thoroughfare;
	(d) and as defined in The National Road Traffic Act 93 of 96
<b>Public Transport Vehicle</b>	means a motor vehicle conveying persons for reward and operating in terms of an operating licence issued in accordance with the provisions of the NLTTA.
<b>Rank</b>	means a specific area set aside by Council to accommodate public transport vehicles
<b>Regulations</b>	means the regulations drawn up in terms of the National Road Traffic Act 93 of 1996
<b>Vehicle</b>	means a “motor vehicle” as defined in The Road Traffic Act or any Authorised officer means a person responsible for the issue of permits and in the employment of the municipality Act as may be passed in its stead from time to time and includes a device in, upon or by which a person or thing is or may be transported or drawn upon a street and includes special mobile machines and agricultural implements, and, for the purpose of parking and stopping restrictions, includes any portion of a vehicle but does not include a wheelchair.

## **PART 2**

### **ESTABLISHMENT AND CONTROL OF PUBLIC TRANSPORT VEHICLES RANKS AND STOPS**

#### **2 PARKING AND PLYING FOR HIRE**

- 2.1 Subject to subsection (2), a driver of a public transport vehicle who plies for hire or picks up or drops off passengers may park such public

transport vehicle at a rank or any parking place demarcated for such public transport vehicles.

- 2.2 Despite subsection (1), the Municipality may, in emergencies or at recreational and other similar functions, set aside temporary public transport facilities identified by the authorised officer as suitable for the parking and stopping of public transport vehicles.
- 2.3 No driver of a public transport vehicle may park such vehicle at a stopping place or any other place not demarcated for such public transport vehicles.
- 2.4 No driver of a public transport vehicle may, except with the written authorisation of the relevant operating licensing authority, may deviate from the allocated route and take short cuts through community roads for the purpose of plying for hire or driving to pick up or drop off passengers.
- 2.5 No driver of a public transport vehicle may, stop it for the purpose of picking up or setting down any passenger, except at a stopping place designated by the Council.
- 2.6 A prospective passenger of a public transport vehicle may, only enter or alight from a public transport vehicle at a stopping place designated by the Council.

### **3 ESTABLISHMENT OF BUS RANKS**

- 3.1 The minibus-taxi, midibus-taxi and bus ranks (hereinafter referred to as ranks) on the portions of public roads and places open to the public and on the area of land prescribed by Council shall be established as special parking places for the parking of public transport vehicle and which are authorised to use such ranks by a permit issued in terms of these By-laws. Such ranks shall be indicated by traffic signs and markings erected and marked in accordance with the relevant provisions of the National Road Traffic Act.
- 3.2 3.2.1 (a) The Manager Public Safety of the Municipality shall demarcate and cause to be set aside in such rank, in the manner hereinafter provided, a specific area or areas subdivided into spaces each sufficient to accommodate at least one public transport vehicles (hereinafter referred to in these by-laws as "loading bays"), to be used exclusively for the purpose o

accommodating such public transport vehicles only while passengers are allowed to board or alight.

- (b) The area or areas so set aside in such rank shall not be less than that which is sufficient to accommodate the number of public transport vehicles at one time, prescribed by the Manager Public Safety; provided, however, that each public transport vehicle for which the rank concerned is reserved in terms hereof shall be allocated the right to use at least one loading bay in such rank either separately or in conjunction with other services for which the rank is so reserved.
- (c) The number of loading bays to be allocated to any particular service shall be decided by the Manager Public Safety with due regard to the total number of bays available in the rank, and the number of vehicles operated by the owner or owners of the service concerned.

3.2.2 Any area remaining in any rank after the loading bays have been demarcated, and after provision has been made for purpose ancillary to the rank, including provision for the convenience and accommodation of intending passengers, and the entry and exit of vehicles and pedestrians, shall be made available and demarcated by the Manager Public Safety for the purpose of setting down passengers and parking public transport vehicles whilst not engaged in picking up or loading passengers. Such parking areas may, but need not necessarily be subdivided and such subdivisions may be allocated for the use of specific services in the manner provided in paragraph 55.2 (a) hereof.

3.2.3 The subdivision of loading or parking areas into bays in terms of the preceding paragraph shall be effected by means of parking lines or other demarcations painted or otherwise clearly indicated on the surface of the traffic-way and such bays may be numbered or otherwise identified. The allocation or reservation of loading bays may be effected by means of signs, notices or other suitable markings showing the outer terminal points or descriptive names of the service or services for which they have been reserved.

3.2.4 Whenever he or she considers it reasonably necessary to do so, in order to ensure the fair and equitable distribution between the various permit holders of the accommodation available in any

parking area demarcated in terms of paragraph 3.2.2 hereof, the Manager Public Safety may by notice erected at or near the entrances to such parking area stipulate the maximum continuous period which in no case shall be more than eight hours in any one day during which a bus may be parked thereon. Whenever any vehicle has been so parked and allowed to stand within such parking area for any continuous period not exceeding that so stipulated, it shall not again be parked in such parking area until an interval of at least thirty minutes has elapsed.

3.2.5 The setting aside and demarcation of portions of a rank as loading bays or parking areas shall be effected by means of sign or notice boards, erected at or near the entrances to such loading bays or parking areas, or by means of parking lines painted or otherwise clearly indicated on the traffic-way, and any reference in these by-laws to a rank shall unless the context otherwise clearly indicates, include any loading bay or parking area.

3.2.6 In setting aside or demarcating loading bays, parking areas or any other area necessary for purposes ancillary to the use of a rank or in stipulating the maximum continuous parking periods in any parking area, the Manager Public Safety shall endeavour to ensure that the fullest and most effective use is made of such ranks in the interests of both the permit holders and passengers and he or she shall have due regard to the proper regulation of vehicular and pedestrian traffic at or near any rank.

3.3 Council may close temporarily any rank or any portion thereof, established under these by-laws but, if necessary, shall establish elsewhere another permanent or temporary rank in lieu thereof.

3.4 In cases of emergency, the powers conferred by sub-section (3) to close the rank temporarily may be exercised by the Manager Public Safety or his authorised representative.

3.5. No rights possessed by the holder of any rank permit under these Bylaws shall debar the Council from permanently closing or removing any rank established hereunder. Provided, however, that no rank shall be permanently closed or removed until after the expiry of three months' written notice to the holders of any current discs issued in respect thereof in terms of these Bylaws, except in case of emergency, and any fees paid will be refunded pro-rata.

- 3.6. These Bylaws shall apply to all ranks and stops, which have been or may hereafter be set aside by the Council as ranks or stops for public vehicle transport.
- 3.7. Ranks or stops shall be those set out in the schedules prepared by the delegated officer of the Council as amended from time to time.
- 3.8. The setting aside of public transport vehicle ranks and stops for use only by public transport vehicle with valid permits shall be effected and defined by the erecting, marking or placing at such places (whether on a public road or not), as the Council may determine, of appropriate road traffic signs prescribed by the Regulations made in terms of the Act.
- 3.9. The ranks established shall be for the exclusive use of public transport vehicles displaying valid rank permit discs issued in respect of such public transport vehicles rank.
- 3.10. The stops established shall either be common to all public transport vehicles operating on that route or allocated to a specific operator, association, route or destination as indicated on the road traffic sign erected at such stops.
- 3.11. The ranks shall be for the exclusive use of public transport vehicles lawfully operating on the routes having the destination or outer terminal points detailed in respect of such rank by Council: Provided, however, that where any public transport vehicles in respect of which a permit to use a rank is sought is authorised by the Motor Carrier Certificate issued in respect thereof to operate to a destination or outer terminal point other than that prescribed by Council, the Manager Public Safety shall issue a permit authorising such vehicle to use the rank most conveniently situated for the route concerned.
- 3.12. The Council may demarcate in each rank a specific area or areas for a specific purpose or purposes, such as the loading or off-loading of passengers, holding, informal traders.

#### **4 PARKING OR STANDING TIME AT LOADING BAYS**

- 4.1. No public transport vehicle shall be parked or allowed to stand upon any portion of a rank set aside as a loading bay for a period longer than fifteen minutes at any one time, and where any such public transport vehicle has been so parked or allowed to stand upon such loading bay for any continuous period not exceeding fifteen minutes it shall not again be parked or allowed to stand upon such loading bay or

any portion thereof, until an interval of at least thirty minutes shall have elapsed.

- 4.2. The Council may, by a road traffic sign erected at or near the rank, stipulate the maximum continuous period during which public transport vehicle may hold within a rank.
- 4.3. No public transport vehicle shall be allowed to stop at a public transport vehicle stop for a longer period of time than is reasonably necessary for setting down or picking up passengers.
- 4.4. No public transport vehicle shall be allowed to stop while operating, except in a demarcated bay or stop.

### **PART 3**

#### **APPLICATION FOR PERMITS**

##### **5 APPLICATION FOR PERMITS**

- 5.1 Application for a permit to use any rank or ranks shall be made in writing by the owner of the public transport vehicle in respect of which the permit is sought and shall be addressed to the Manager Public Safety.
- 5.2 With effect from the date of operation of these by-laws, the applicant shall lodge with his application a receipt from the Chief Financial Officer for the sum prescribed by Council in respect of each public transport vehicle for which a permit is sought. If any application is refused in accordance the amount deposited by the applicant shall be refunded to him. If any application is granted, the amount so deposited shall be retained by the Chief Financial Officer as and for the fee payable by the applicant for the use of the rank authorised by the permit provided, however, that, where a permit is sought for a period which is less than 12 months the amount payable shall be a pro-rata amount.
- 5.3 The provisions of sub-section (52) shall *mutatis mutandis* apply to an application for the renewal of an existing permit.
- 5.4. All public transport vehicle for which a rank permit is applied, shall have:-
  - (a) a valid COR (Certificate of Roadworthiness);

- (b) an LRTP (Local Road Transport Permit) permit or permission to operate a service in terms of the Road Transportation Act or any legislation replacing it;
  - (c) the owner's name and address legibly, permanently and conspicuously affixed on the left side of the vehicle;
  - (d) the destination displayed in the front of the vehicle;
  - (e) proof of being registered with the Provincial Registrar where applicable;
  - (f) the vehicle carrying capacity displayed
  - (g) No outstanding traffic fines or warrants or summons.
- 5.5. A fee as specified and revised from time to time by Council shall be payable in respect of each public transport vehicle rank permit allocated, provided that when application for a new public transport vehicle rank permit is granted, the amount shall be based on the pro-rata time period left for the usage of the rank during the current year, calculated to the nearest month.

## 6 **RANK PERMIT**

- 6.1 No person shall operate a public transport vehicle at a rank unless a rank permit in respect of such vehicle has been issued.
- 6.2 No person shall be issued with a rank permit, unless he or she provides—
- (a) in the case of an existing vehicle:
    - (i) a certified copy of the operating licence
    - (ii) professional public driving permit
    - (iii) certified copy of vehicle particulars (vehicle registration discs), and a,
    - (iv) copy of the Registration document
    - (v) proof of address
    - (vi) a certified copy of the vehicles certificate of roadworthiness

- (vii) an identification document and appropriate driving licence
  - (viii) original letter of approval from the relevant association.
  - (ix) approved route description
- (b) in the case of a new vehicle:
  - (i) copy of pro-forma invoice or proof of purchase
  - (ii) professional public driving permit
  - (iii) certified copy of vehicle particulars
  - (iv) proof of address
  - (vi) an identification document and appropriate driving licence
  - (viii) original letter of approval from the relevant association.
  - (ix) associations approved route description

An application for a new rank permit or the renewal of an expired operating licence may be issued with a letter recommending approval of such application and on production of a certified copy of the Operating Licence, the applicant will be issued with a Rank Permit.

- 6.3 No person may be issued with a rank permit if the applicant has any outstanding warrants for non – payment of traffic fines or any current outstanding traffic prosecutions or fines.
- 6.4 The rank permit shall be valid for a period of 12 months from the date it was issued.
- 6.5 The Manager Public Safety shall, issue in respect of a ranking public transport vehicle, a rank permit specifying—
  - (a) the rank at which the rank permit applies;
  - (b) the period for which such rank permit is granted;
  - (c) the registration number allotted to the vehicle concerned;



- (d) the make of such vehicle;
  - (e) in respect of metered taxis, the number of the taxi-meter approved for use in such vehicle;
  - (f) the operating license number of the vehicle; and
  - (g) the routes for which such vehicle has authority to ply for hire.
- 6.6 An application for approval for a rank permit must be submitted to the Manager Public Safety —
- (a) by the owner; and
  - (b) on application form as amended from time to time by the Municipality
- 6.7 The Manager Public Safety may issue only one (1) rank permit for each public transport vehicle.
- 6.8 The owner in respect of which a rank permit has been issued shall, in writing, advise the Manager Public Safety of—
- (a) any change in his or her address during the operating period in which such rank permit was issued;
  - (b) his disposing of or otherwise ceasing to be the owner of such public transport vehicle during such period;
  - (c) the name and address of the person to whom such public transport vehicle was disposed to; and
  - (d) the case of his or her ceasing to be the owner, within 7 days of such event.
- 6.9 The owner shall pay to the Municipality a charge which shall be fixed by the Council from time to time for the use of each rank permit issued in terms of this section.
- 6.10 No person may forge, imitate, deface, mutilate, alter or make a mark upon, a rank permit.

## **7 ISSUE OF PERMITS**

- 7.1 The Manager Public Safety may in granting any application -

- (a) impose conditions restricting any public transport vehicle in respect of which a permit is issued to a particular loading bay or parking area or subdivision thereof which may be demarcated as before provided in the rank concerned;
- (b) impose conditions limiting the hours during which any public transport vehicle rank or subdivision thereof may be used by the vehicle when not actually engaged in transporting passengers in terms of any road carrier permit;
- (c) impose conditions specifying the number of vehicles which may use any portion of any one rank or any subdivision of such rank;
- (d) impose any other conditions which the Manager Public Safety may deem reasonable to ensure a fair allocation of the available accommodation of any rank between the various applicants or for avoiding obstructions and congestion of vehicles and passengers or to ensure the proper regulation of traffic at or near the rank concerned.

7.2 In deciding to impose any conditions, the Manager Public Safety shall have regard

- (a) to the number of public transport vehicle which can conveniently be accommodated in the rank set aside by Council for the use of vehicles to which the application relates, authorised by the road carrier permit to operate on the routes having the destination or outer termini detailed by Council;
- (b) to any specified timetable referred to in the road carrier permit issued in respect of such vehicle and in accordance with which such vehicle must be operated;
- (c) to the length of time during which the applicant for a permit has been engaged in the business of transporting passengers for reward;
- (d) to the conditions of the relevant road carrier permit issued in respect of such motor vehicle;
- (e) any other factor which may be relevant to the object of ensuring the fullest and most effective use being made of the bus rank concerned, with due regard to the convenience of passengers and the regulations of vehicular and pedestrian traffic at or near such rank.

- 7.3 A public transport vehicle rank permit not allocated within 3 months shall lapse, unless an extension of time has been requested and approved by the Council. A public transport vehicle rank permit shall be valid only for the period stated thereon.
- 7.4. A public transport vehicle rank permit issued in terms of these Bylaws shall not be transferred to any other person except by the written approval of the Council.
- 7.5. The Council may, at its discretion, replace a public transport vehicle rank permit disc which has been lost or has become damaged on payment of a fee, as prescribed by Council resolution, and submission of an affidavit setting out the circumstances occasioning such loss or damage.

## 8 **PLACE OF VALIDITY OF RANK PERMIT**

- 8.1 No person shall, except with the written consent of a Manager Public Safety, ply for hire with a public transport vehicle from any place other than the route, rank or other place specified on the rank permit in respect of such vehicle.
- 8.2 No person shall—
  - (a) affix a rank permit to any vehicle other than the vehicle in respect of which it was issued; or
  - (b) ply for hire with a public transport vehicle—
    - (i) unless the rank permit issued in respect of such public transport vehicle for the current year is affixed to the left hand side of the windscreen thereof so that its face is clearly visible from outside;
    - (ii) whilst any rank permit other than the rank permit issued in respect of such public transport vehicle for the current year is affixed thereto; or
- 8.3 whilst any rank permit which has ceased to be valid is affixed to such public transport vehicle.

## 9 **RANK PERMIT TO BE PRODUCED ON DEMAND**

- 9.1 The holder of a rank permit issued in terms of this By-law shall—

- (a) maintain such rank permit in a good and legible condition; and
- (b) keep and display it in the motor vehicle to which it relates at all relevant times when such vehicle is being operated as a public transport vehicle.
- (c) at all times be displayed in a weather proof holder on the left-hand side of the front windscreen of the public transport vehicle to which it was issued, and it is to be clearly legible and visible from outside the said vehicle. Failure to display such rank permit disc, as required by this Bylaw, shall deem the driver, operator and owner of such a vehicle to be guilty of an offence.

9.2 Any Manager Public Safety of the Municipality may call upon the driver of any public transport vehicle to stop and may demand from him or her—

- (a) to produce the rank permit required under the provisions of this By-law; and
- (b) to supply his or her full name and address and also the name and address of the owner or operator of such public transport service.

9.3 No driver may, when called upon to do so by any Manager Public Safety —

- (a) refuse to stop;
- (b) refuse to supply his or her full name and address;
- (c) refuse to supply the correct name and address of the owner or operator of the vehicle in his or her charge;
- (d) refuse to produce a rank permit; or
- (e) give a false name or address.

## 10 **SUSPENSION OR WITHDRAWAL OF A RANK PERMIT**

10.1 The Municipality may, after taking all the circumstances of the case into consideration, suspend a rank permit for a period determined by the Manager Public Safety or withdraw the rank permit if—

- (a) the owner of the public transport vehicle—

- (i) has been found guilty of contravening this Bylaw
    - (ii) does not comply with an instruction issued in terms of this By-law; or
    - (iii) does not maintain the public transport vehicle at all times in a sanitary state and in a roadworthy condition; and
    - (iv) has outstanding arrest warrants for the non payment of traffic fines;
  - (b) the Manager Public Safety inspects the public transport vehicle and finds that such vehicle—
    - (i) is constructed in such a way or is in such a condition that the public transport vehicle is unsafe for the number of passengers that it is authorised to carry; or
    - (ii) does not comply with the conditions specified in this By-law or the Act.
- 10.2 No person may use or allow a vehicle to be used as a public transport vehicle at a public transport facility if the rank permit of such public transport vehicle has been suspended or withdrawn, or has expired.
- 10.3 If an operating licence has been suspended, cancelled or withdrawn by the relevant licensing authority, the rank permit issued by the Municipality is automatically suspended, cancelled or withdrawn, as the case may be.
- 10.4 Where on appeal by the holder of an operating licence to the relevant authority the suspension, cancellation or withdrawal of an operating licence is reversed, the Municipality may re-issue a rank permit subject to certain specified conditions.

## 11 **POWER TO REFUSE APPLICATION FOR OR TO CANCEL PERMITS**

- 11.1 No permit shall be granted or renewed unless the applicant is the holder of a valid road carrier permit in respect of the public transport vehicle concerned authorising the conveyance of passengers over the related route. Any permit or renewal shall be suspended or cancelled *ipso facto* if the road carrier permit in respect of the public transport vehicle to which the permit relates is suspended, withdrawn, cancelled or not renewed.

- 11.2 The cancellation or suspension of a permit in terms of this by-law shall not entitle the holder to any refund in respect of the fee paid.
- 11.3 The Council shall be entitled to cancel or to refuse to renew or grant any public transport vehicle rank permit if:
- (a) the public transport vehicle rank permit was granted on incorrect information furnished by the applicant;
  - (b) the public transport vehicle operator has been found guilty of offences relating to the Road Traffic Act or the Bylaws of Thaba Chweu Municipality that deem him to be an unsuitable person to operate within the public transport sector;
  - (c) If the application for renewal of the public transport vehicle rank permit is not submitted before the expiry date thereof;
  - (d) There is no public transport vehicle rank space available.
  - (e) The driver of the public transport vehicle to which the permit relates, is not the holder of a valid drivers license for the class of vehicle concerned or he is not in possession of a valid professional drivers permit as provided for in the National Road Traffic Act, 1996 (Act No 93 of 1996)
  - (f) The vehicle is not insured as required in terms of section 25

## 12 **PERMIT TO BE IN PRESCRIBED FORM**

- 12.1 Whenever an application for a permit is granted, the Manager Public Safety shall forthwith issue to the applicant a permit substantially in a form prescribed by the Manager Public Safety, in respect of each public transport vehicle for which application for the right to use a rank was made. A permit shall be valid only for the period stated thereon.
- 12.2 A permit issued in terms of these by-laws shall specify the rank or ranks to which it relates and shall entitle the holder to use any loading bay and any available accommodation in any parking area set aside or demarcated in the rank to which his permit relates, or which may be specified in the permit as being allocated to him subject to the conditions endorsed thereon and to the provisions of these by-laws.

**13 OWNERS DETAILS TO BE DISPLAYED**

The owner of any public transport vehicle shall cause his name and address to be legibly, permanently and conspicuously affixed on the side or sides of the public transport vehicle. Such name and address shall be painted in block letters at least 25 mm in height, and the colour of the letters shall be in contrast with the colour of the vehicle.

**14 EXPIRY AND RENEWAL OF PERMIT**

14.1 A permit issued in terms of these by-laws shall expire on 31 December in each year.

14.2 Applications for the renewal of any permit for the following year shall be made to the Manager Public Safety not later than 31 December in each year, in the same manner as provided in section 5 and 6

14.3 Applications for renewal made after 31 December aforesaid shall be treated as applications for new permits.

14.4 No public transport vehicle rank permit will be valid for longer than a year.

14.5 A public transport vehicle rank permit issued in terms of these bylaws shall expire on the 31 of December in each year. Applications for the renewal of a public transport vehicle rank permit for the following year shall be made to the Council before the 1<sup>st</sup> day of December in each year in the same manner as provided in Section 5 and 6 of these Bylaws.

14.6 No Application for renewal of a public transport vehicle rank permit will be accepted after 3 months from the expiry date unless an application in writing for an extension has been made to and accepted by the Council.

14.7 An application for the renewal of a public transport vehicle rank permit not renewed before the expiry date, may at the discretion of the Council, be treated as a new application.

**15 POWER TO AUTHORISE SUBSTITUTION OF PUBLIC TRANSPORT VEHICLES**

If at any time the public transport vehicle to which a rank permit was issued is under repair, or if for any other reason the owner thereof so desires, the Council may on application authorise the substitution of another public

transport vehicle, either temporarily or for the duration of the public transport vehicle rank permit, provided that the said public transport vehicle rank permit holder is also the owner of the public transport vehicle which is under repair and has paid the prescribed administration fee. The public transport vehicle rank permit holder must return his public transport vehicle rank permit so as to be issued with a new one, provided that in the case of a lost rank permit an affidavit must be submitted.

## **16 PRESERVATION OF COUNCIL'S RIGHTS**

16.1 No rights possessed by the holder of any permit under these by-laws or under such permit shall operate to debar Council from permanently or temporarily closing or removing any rank established hereunder, or from amending these by-laws.

16.2 In the event of it being deemed necessary by Council for any reason –

- (a) to establish any new permanent rank either in substitution for any existing rank or addition thereto; or
- (b) to alter or modify any of the routes prescribed by Council or to authorise any additional routes;

Council may, with the consent of the local Road Transportation Board and pending the promulgation of the necessary amendments to these by-laws, issue a temporary permit authorising the holder to operate to and from any such new rank or along such altered or additional route as the case may be.

## **PART 4**

### **OPERATORS / DRIVERS CODE OF CONDUCT**

## **17 DRIVERS TO OBSERVE BY-LAWS AND INSTRUCTIONS OF POLICE OFFICERS**

17.1 The driver or the person in control of any public transport vehicle shall exercise the rights conferred by the permit authorising such public transport vehicle to use any rank with, due regard to the rights and convenience of other vehicles authorised to use the rank and their passengers and shall, in addition to observing the requirements of these by-laws obey all lawful instruction or signals given by any police official.

17.2 For the purpose of these by-laws all police officers are hereby authorised to give such instructions or signals which may be necessary



to avoid obstructions and congestion of vehicles or passengers and for the proper regulation of traffic at or near the rank.

17.3 The driver or other person in control of any public transport vehicle shall exercise the rights conferred by the public transport vehicle rank permit authorising such public transport vehicle to use specific ranks and /or stops with due regard to the rights and convenience of passengers and other public transport vehicle authorised to use the rank; and shall; besides observing the requirements of these bylaws and any other relevant Bylaws of the Municipality and to obey all lawful instructions or signals given by any Police Officer.

17.4 For these Bylaws, Authorised Officers or Police Officials are hereby authorised to give such instructions or signals, which may be necessary to avoid obstruction and congestion of vehicles or passengers and for the proper regulation of traffic at or near the rank.

## 18 **BUS ROUTE AND STOPPING PLACES**

18.1 No person shall drive any public transport vehicle along any route within the Municipality except along routes as prescribed by Council resolution.

18.2 Council may by resolution prescribe stops on any routes along which public transport vehicle are permitted to travel. Such stops shall be denoted by a notice marked "Bus Stop" or "Taxi Stop".

18.3 The driver of any public transport vehicle being used on any route within the Municipality for the purpose of conveying passengers shall, unless such public transport vehicle is at the time carrying the maximum number of passengers which it is lawfully entitled to carry, stop the said public transport vehicle upon being hailed at any appointed rank or stop by any person desirous of travelling by such public transport vehicle and shall take up such intending passenger provided that the said passenger is not excluded by any law from being a passenger in the said public transport vehicle or in contravention of any condition which may have been imposed by the local Road Transportation Board.

The provisions of this by-law shall not apply to any public transport vehicle displaying a notice or notices stating that the said public transport vehicle is an express, limited stop or special, until such public transport vehicle reaches the destination stated in such notice or notices, whereupon the provisions of this section shall *mutatis mutandis* apply to such public transport vehicle.

- 18.4 The driver of any public transport vehicle upon being requested by any passenger in the said public transport vehicle to stop shall stop at the next appointed rank or stop for the purpose of allowing the said passenger to alight.
- 18.5 The driver of any vehicle other than a public transport vehicle shall not allow such vehicle to stop at any bus or taxi stop
- 18.6 The driver of a public transport vehicle shall not at any time allow such public transport vehicle to remain unattended at any stopping place or stand situate on any public transport vehicle -route within the Municipality.
- 18.7 No driver or person in charge of any public transport vehicle shall -
- (a) pick up or set down passengers or allow any passenger or intending passenger to board or leave such public transport vehicle except at a rank established in terms of these by-laws or at a stop designated in accordance with the provisions of these by-laws or any other law.
  - (b) stop his vehicle at a stop for a longer time than is necessary for setting down or picking up passengers.
- 18.8 No person shall tout, importune or solicit for passengers for any public transport vehicle by loitering or calling out or in any other manner whatsoever.
- 18.9 No person shall board or attempt to board, leave or attempt to leave any public transport vehicle at any point along the route on which it is travelling other than at a designated stop.

## 19 **QUEUES & PUBLIC COMPLIANCE WITH QUEUES**

- 19.1 At any rank or stop established in terms of these by-laws Council may erect or cause to be erected queue signs consisting of a notice board indicating the position and manner in which persons waiting to board a public transport vehicle shall stand and form a queue which sign may or may not be supplemented by queuing barriers in the form of rails or lines marked on the surface of the area to be demarcated for the purpose of queuing.
- 19.2 Persons intending to board any public transport vehicle at any rank or other stop at which queue signs have been erected shall form a queue

at and from the point from which it is indicated that such vehicles will leave.

- 19.3 Persons forming any such queue shall take and give precedence according to the time of their arrival.
- 19.4 No person shall board any public transport vehicle at any rank at which queue signs have been erected except from a queue (unless there are no other persons waiting to board the vehicle) and no person shall take any place in a queue in front of any person already in that queue.
- 19.5 Where no queue sign has been erected persons waiting at or near any bus rank or any stop for the purpose of boarding a public transport vehicle shall form themselves in a queue not exceeding two abreast, or in single file when required thereto by a police officer.
- 19.6 Every person standing in any queue or boarding or attempting to board any public transport vehicle at any rank or stop where a queue has assembled or a queue sign has been erected shall comply with all instructions given by any police officer as may be necessary for the proper control of the queue or for the prevention or obstruction to vehicular or pedestrian traffic.
- 19.7 No person shall board any public transport vehicle at any rank or stop until all persons wishing to alight there-from shall have had reasonable opportunity to do so.
- 19.8 It shall be an offence for any person to enter or attempt to enter any public transport vehicle which contains the total number of passengers which it is authorised to carry after being warned by the conductor or driver not to do so.
- 19.9 Any person who fails to comply with any provision of this By-law or who refuses to obey the lawful instructions of any police officer or who behaves in a riotous or indecent manner or who is intoxicated, may be removed from a queue or from the vicinity of the rank or bus stop by any police officer.

20. **UNAUTHORISED BEHAVIOUR ON A PUBLIC ROAD OR AT A RANK**

- 20.1. No driver or person in charge of any public transport vehicle shall stop on a public road, where stops or ranks exist, for the purpose of plying for hire, or picking up or off-loading passengers or allowing any passenger or intending passenger to board or leave such public

transport vehicle except at a rank or stop established in terms of these bylaws where such facilities exist along the road;

20.2. No person shall tout, importune or solicit for passengers for any public transport vehicle by loitering, calling out, hooting or in any other manner whatsoever.

20.3. No person shall operate a public transport vehicle upon a public road in any way that causes any excess noise which can be avoided by the exercise of reasonable care on his part.

20.4. No person shall wash any public transport vehicle on any public road or rank within the Council's area of jurisdiction.

20.5. No person shall repair any public transport vehicle on any public road, rank or place within the Council's area of jurisdiction.

21 **GENERAL PROVISIONS RELATING TO PUBLIC TRANSPORT VEHICLES AND THEIR DRIVERS**

21.1 No person shall ply for hire with a public transport vehicle which is not roadworthy, clean and of a neat and presentable appearance.

21.2 No driver of a public transport vehicle shall -

- (a) conduct himself in a disorderly manner;
- (b) canvass for fares;
- (c) stand or wait with his public transport vehicle in a public street or public place when not hired except in the area, rank or other place specified in the permit issued in respect of his public transport vehicle, for the current year;
- (d) after being hired -
  - (i) allow any person other than the person who has hired his public transport vehicle to be conveyed therein except on the directions or with the permission of the latter;
  - (ii) drive to his destination by any but the most direct route unless he or she is directed to the contrary by the person who has hired his public transport vehicle ;

- (iii) in any way delay in complying with or fail to comply with his obligations under the agreement concluded with the person who has hired his public transport vehicle ;
  - (e) when plying for hire, cause or permit his public transport vehicle to stand or remain in such a position that it will obstruct or hinder passengers wishing to enter or leave any other vehicle; or
  - +(f) prevent or attempt to prevent the driver of any other public transport vehicle from lawfully obtaining or conveying passengers
  - (g) not use offensive and abusive language
  - (h) not play any audio or audio visual device so loud that it causes a nuisance to other passengers
- 21.3 A driver of a public transport vehicle shall, immediately after conveying any passenger, search his public transport vehicle for any goods which may have been left therein by such passenger and shall cause any such goods found by him to be handed in at the nearest police station without unreasonable delay.
- 21.4 No owner and or driver of a Minibus/Bus shall display a DVD player or TV screen on the interior of the front windscreen, roof or dashboard of the said public transport vehicle which might distract the driver thereof.

## 22 **PRESUMPTIONS**

- 22.1 Whenever any person or goods are conveyed by public transport vehicle for hire or reward in contravention of any provisions of this chapter, it shall be presumed, until the contrary is proved, that the proprietor / owner of such public transport vehicle caused or permitted such person or goods to be so conveyed.
- 22.2 If in any prosecution under this chapter, it is proved that a person has conveyed passengers or goods in a motor vehicle on a public road it shall be presumed, until the contrary is proved, that he or she so conveyed such passengers or goods for hire or reward.
- 22.3 The driver of a public transport vehicle shall, until the contrary is proved, be deemed to be the owner.
- 22.4 Where in any prosecution in terms of the common law relating to the driving of a motor vehicle on a public road, or in terms of this By-Law, it

is necessary to prove who was the driver of such vehicle, it shall be presumed, in the absence of evidence to the contrary, that such vehicle was driven by the owner thereof.

22.5 Whenever a vehicle is parked in contravention of any provision of this By-Law, it shall be presumed, in the absence of evidence to the contrary, that such vehicle was parked by the owner thereof.

22.5 It shall be presumed, in the absence of evidence to the contrary, that, where the owner of the vehicle concerned is a corporate body, such vehicle was driven or parked, as contemplated in those subsections, or used as contemplated in that section by a director or servant of the corporate body in the exercise of his or her powers or in the carrying out of his duties as such director or servant or in furthering or endeavouring to further the interests of the corporate body.

## 23 **DISPLAY OF DESTINATION**

When any public transport vehicle is proceeding to its authorised public transport vehicle rank, the driver of such vehicle shall cause the destination to which it is proceeding to be displayed clearly on the front of the vehicle.

## 24 **CLEANLINESS OF VEHICLE AND PREMISES**

24.1. Every person operating any public transport vehicle within the Councils area of jurisdiction shall maintain the vehicle in a clean condition and in a proper state of appearance and repair.

24.2. Every association operating from a public transport vehicle rank shall be responsible for the cleanliness of that rank.

## 25. **INSURANCE**

The owner or operator of a public transport vehicle shall insure such vehicle in terms of which a ranking permit is required on a comprehensive basis, and all passengers and their belongings in terms of public liability as required by law, prior to the granting and issuing of any ranking permit, and shall furnish such proof as may be required by the council

**PART 5****PASSENGERS CODE OF CONDUCT****26. ENTERING AND LEAVING PUBLIC TRANSPORT VEHICLES**

- 26.1. Every passenger shall enter or depart from a public transport vehicle by the entrance provided.
- 26.2. No person shall board a public transport vehicle until all persons desiring to alight from the public transport vehicle have done so.
- 26.3. It shall be an offence for any person to enter or attempt to enter any public transport vehicle which contains the total number of passengers which it is authorised to carry.
- 26.4. On routes where stops or ranks are provided, no person shall board or attempt to board, leave or attempt to leave any public transport vehicle at any point along the road other than at a designated stop or rank. Provided such stops or ranks exist along the road.
- 26.5. No person shall board or attempt to board, leave or attempt to leave any public transport vehicle while such vehicle is in motion.

**27 PAYMENT OF FARES : ONUS ON PASSENGER TO EFFECT PAYMENT**

Every passenger shall pay the legal fare for the journey.

**28 RIGHTS AND DUTIES OF PASSENGERS WHEN PUBLIC TRANSPORT VEHICLE BECOMES DEFECTIVE**

If at any time a public transport vehicle becomes defective or from any cause whatever is unable to proceed, the passengers shall on request of the driver, or conductor leave same, and if such passengers have paid their fares they shall be entitled to either demand back the amount of their fares so paid, or shall be allowed to travel by the next public transport vehicle available, at the cost of the defective public transport vehicle driver or conductor, for the remainder of the distance in respect of which they have paid their fares.

**29 DANGEROUS OR OFFENSIVE ARTICLES**

Persons travelling in or on any public transport vehicle with any article,

instrument or implement which may be considered dangerous or offensive by the passengers, driver, conductor or Police Officer, may be removed.

30 **ANIMALS**

The driver or conductor of any public transport vehicle or Police Officer may refuse to admit upon such public transport vehicle or may at any time require a passenger to remove therefrom any animal which, in his opinion, is likely to cause or which does cause annoyance to any passengers, provided that his fare is refunded.

31 **ACTIONS PROHIBITED ON A PUBLIC TRANSPORT VEHICLE**

The following actions are prohibited on a public transport vehicle:-

- (a) Smoking, if prohibited by signage;
- (b) Playing offensive or excessively loud music;
- (c) Using obscene or offensive language;
- (d) Interfering with the comfort of any passenger;
- (e) Damaging any public transport vehicle or the fittings thereof;
- (f) Interfering with the equipment of the public transport vehicle in any way;
- (g) Forcibly causing the driver to deviate from his route.
- (h) Throwing out any object through a window or door which cause littering or endanger other vehicles/pedestrians

Any person committing any of the above actions shall, in addition to incurring the penalty hereinafter provided, forfeit his or her fare and be summarily removed from the public transport vehicle.

32 **RIOTOUS OR INDECENT BEHAVIOUR**

Any person who causes a disturbance or behaves in a riotous or indecent manner, shall be guilty of an offence and may be removed from a public transport vehicle, a queue or from the vicinity of a rank by any Police Officer.



**33     DAMAGE TO MUNICIPAL PROPERTY PROHIBITED**

No person shall damage, disfigure, mutilate, obliterate, remove or in any other way interfere with any municipal property.

**PART 6****RANK MANAGERS****34     NEED FOR RANK MANAGERS**

- 34.1 (a) The taxi/bus ranks within the municipality are the property of the council.
- (b) Where, in the opinion of one or more associations, a rank warrants the appointment of a rank manager, the council may, following consultation with all associations and other role players using such rank, decide whether to approve the appointment of a rank manager, which approval will not be unreasonably withheld.
- 34.2. The council requires the following data in respect to the appointment of a Rank Manager to be submitted by the Association in writing:
- (a) Name of the Taxi Association or Bus Company;
  - (b) Full names of the chairman or owner;
  - (c) Contact details: Telephone and Address;
  - (d) The name of the rank in respect of which the application is being made;
  - (e) Full names of the proposed Rank Manager;
  - (f) The identity Number of the proposed Rank Manager;
  - (g) The number of authorized taxis or buses using the rank;
  - (h) The names of, and number of other taxi associations/ bus companies using the rank;

- (i) The association's/owners reasons for wanting a rank manager appointed by it, in full;
- (j) A signed undertaking by the association or owner that the association/owner and rank manager, if appointed, will abide by any conditions as may be prescribed by the council in granting its approval and that such managers will not interfere with the activities, vehicles, drivers, passengers and office bearers of other associations/ owners other than in the performance of his duties, nor will he create any tension between any of the aforementioned.

34.3 The rank manager shall be paid for by the Taxi Associations and/or the bus company and shall not be the responsibility of the council.

### 35 **THE ROLE OF RANK MANAGERS**

Any Rank Manager appointed in terms of this section will;

- 35.1 Control the entry to and exit from the rank, of any public transport vehicle using the rank to ensure that no congestion occurs at such entry or exit points, or elsewhere in the rank;
- 35.2 Ensure the implementation of the Taxi Association Customer Care and Operational Plan
- 35.3 Control, within reason, the behaviour of people within the confines of the rank;
- 35.4 Give direction to any person wishing to make use of a public transport vehicle as to the whereabouts of the public transport vehicle required by that person;
- 35.5 Allocate the maximum legal number of passengers to any one public transport vehicle and not permit any over-loading to take place;
- 35.5 Attempt to mediate on any dispute or disagreement between traders, pedestrians, passengers or drivers with regard to the allocation or use of any space in the rank, and, if not successful, to contact the Manager Public Safety to report the incident and to restore order;
- 35.6 Without endangering himself, attempt to discourage the carrying of any weapon by any driver, operator or passenger and to report any incidents relating to weapons to the SAPS or an Authorized Officer;

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- 35.7 Ensure that queues formed by passengers waiting to board public transport vehicle are so formed in accordance with any of the provisions of these bylaws;
- 35.8 Ensure that any queues are formed in the manner directed by him and in the positions directed by him;
- 35.9 Ensure that any people in queues do not interfere with any other users of the rank and do not block any walkway, sidewalk or pavement so as to prevent other pedestrians or passengers from utilizing these;.
- 35.10 Ensure that people in queues board their taxi or bus in an orderly manner on a first come, first to board basis;
- 35.11 Ensure that passengers formed in queues or waiting in any part of the rank do not deposit any litter anywhere except in litter bins provided for the purpose, and to arrange with the works foreman that such bins are emptied by the council at regular intervals or when full;
- 35.12 Ensure that public transport vehicle is washed or cleaned, except in any area designated for this purpose, and that no servicing or repairs are carried out within the rank, other than urgent repairs required to allow the driver to move the taxi to a proper repair center;
- 35.13 Report to the works foreman or his representative on the cleanliness of the facilities at the rank and to ensure, through this official that these are cleaned on a regular basis or when in an unhygienic state, or that essential repairs are reported and followed up;
- 35.14 That the public transport vehicle are parked within the bays or area allocated to them. Any ongoing irregularities are to be drawn to the attention of any perpetrator in the case of a first infringement or to the councils Manager Public Safety or Traffic Department in the event of repeated incidents for resolution. At no stage is the Rank Manager or Controller to become embroiled in any argumentative or confrontational situations with any third party;
- 35.15 Ensure that no passenger is permitted to board a public transport vehicle which appears to him to be in any state of disrepair so as to render it un-roadworthy, and to draw the drivers attention to any apparent fault/s with a request that these are rectified;
- 35.16 Undertake to liaise with an Manager Public Safety in respect of any other duty or duties which he believes he should be responsible for or on any of the above clauses which may cause him any undue hardship.

35.17 If any remuneration is to be paid, be so remunerated by the association which requested his or her appointment.

35.18 A rank manager engaged at any rank must be clearly identifiable and must display his or her name in a conspicuous manner on his or her clothing below the left shoulder.

35.19 A rank manager must discharge his or her duties in a courteous and polite manner and show respect to every passenger.

35.20 Where a rank manager is controlling entry onto a public transport vehicle, he or she must not allow more than the number of passengers permitted by law, onto such vehicle.

## **36 REMOVAL OF RANK MANAGER**

36.1 In the event of any continuous breach of any of the above conditions by any Rank Manager, the council may, following consultation with the Taxi Association or bus company and other relevant role players using such rank by whom he was appointed, have the appointment of the offending Rank Manager cancelled.

36.2 In the event of such cancellation the rank manager shall with immediate effect be requested to relinquish his duty as rank manager and to vacate such position.

## **PART 7**

### **GENERAL**

## **37 IMPOUNDMENTS**

Any public transport vehicle parked or stopped :-

- (i) In contravention of any of the bylaws; or
- (ii) that has outstanding summons or warrants of arrest against the owner or driver or;
- (iii) that is un-roadworthy
- (iv) Has a non functional camera supplied by the municipality, for which the owner of the Taxi will be paid the stipulated amount.

may be impounded by an Police Officer.

**38 USE OF CAMERA AND VIDEO IMAGES**

Any police officer or any other person authorised by the municipality in the enforcement of this Bylaws may use camera and video images to prove the violation.

**39 RIGHT TO APPEAL TO COUNCIL**

Any bus owner, operator or driver who is aggrieved by any decision given by the Manager Public Safety under these by-laws shall have a right to appeal to Council.

**PART 8**

**OFFENCES, PENALTIES, CONTRAVENTIONS AND APPLICATION OF BYLAWS**

**40 OFFENCES AND PENALTIES**

Any person who –

- (a) contravenes or fails to comply with any provision of these Bylaws ;
- (b) fails to comply with any notice issued or displayed in terms of these Bylaws ;
- (c) fails to comply with any lawful instruction given in terms of these Bylaws ; or
- (d) obstructs or hinders, or improperly influences or attempts to do so, any authorised representative or employee of the Council in the execution of his or her duties or performance of his or her powers or functions under these Bylaws; is guilty of an offence and liable on conviction to a fine not exceeding R15.000.00 or imprisonment for a period not exceeding 6 months as regulated from time to time in terms of the Adjustment of Fines Act 101 of 1991.

**41     COUNCIL'S LIABILITY**

The Council shall in no way be liable for:

- 41.1 the loss of or damage to any vehicle or any accessory or contents of such a public transport vehicle which has been parked in any or stopped at any stop or driven in, through or out of any rank or stop;
- 41.2 any death, injury, damage or loss (including consequential loss) to any person in any rank or stop.

**42     CONTRAVENTION OF BY-LAW**

- 42.1 When a Police Officer or other person authorised by the Municipality to enforce this By-Law has reason to believe that a person or vehicle has contravened any provision of this By-Law, that Police Officer or other person authorised to enforce this By-Law may issue a Prosecution Notice to the person.

Service of the Prosecution Notice may be made by anyone of the following methods, and if so made shall be deemed to be effective service for the purposes of this By-Law:

- (a) in the case of an individual:
  - (i) by delivering it personally to the individual
  - (ii) by placing the Prosecution Notice on the vehicle in respect of which an offence is alleged to have been committed
  - (iii) by sending it by registered mail at the individual's last known address
  - (iv) by sending it by email / fax / normal mail / SMS / WhatsApp/ BBM / Phone call / Face Book/ and other electronic means at the individual's last known address
- (b) in the case of a corporation:
  - (i) by delivering it personally to the driver of the vehicle in respect of which an offence is alleged to have been committed

- (ii) by placing the Prosecution Notice on the vehicle in respect of which an offence is alleged to have been committed
  - (iii) by sending it by registered mail to the registered office of the corporation
  - (iv) by delivering it personally to the manager, secretary or other executive officer of the corporation or the person in charge of any office or other place where the corporation carries on business.
  - (v) by sending it by email / fax / normal mail / SMS / WhatsApp/ BBM / Phone call / Face Book/ and other electronic means to the registered office of the corporation
- 42.2 No person, other than a Police Officer or person authorized by the Municipality to enforce this By-Law, shall place a Prosecution Notice on any vehicle.
- 42.3 No person, other than the owner or operator of the vehicle, shall remove a Prosecution Notice from a vehicle.
- 42.4 Only the Manger – Traffic & Licensing may cancel any Prosecution Notice where that Prosecution Notice was issued improperly or in error.
- 42.5 The penalty for breach of any provision of this By-Law shall be those set out in Schedule “A” of this By-Law.
- 42.6 Notwithstanding any other provisions of this By-Law, the registered owner of any public transport vehicle shall be liable for a violation of any provision of this By-Law, as well as the person who committed the breach, unless the registered owner proves to the satisfaction of the judge or justice of the peace trying the case that, at the time of the breach, the public transport vehicle had been stolen from him or taken, without his consent express or implied, out of his possession or out of the possession of a person entrusted by him with its care.

#### 43 **APPLICATION OF THIS BY-LAW**

- 43.1 The headings throughout this By-Law are for convenience only and are not intended to be used to construe the intent of this By-Law or any

part hereof, or to modify, amplify, or aid in the interpretation or meaning of the provisions of this By-Law.

43.2 If a court of competent jurisdiction should declare any section or subsection of this By-Law to be invalid, such section or subsection shall not be construed as having persuaded the Council to pass the remainder of the By-Law, and it is hereby declared that the remainder of this By-Law shall be valid and remain in force.

43.3 In the prosecution of an alleged contravention of any of the provisions of this By-Law, the onus of proof that the action giving rise to the charge was previously authorized shall lie upon the person charged.

44 **EFFECTIVE DATE**

This By-Law shall come into force and effect upon its approval by the Thaba Chweu Municipality

**Notice No: 46**



## PROVINCIAL NOTICE 55 OF 2019



## Thaba Chweu Local Municipality Public Parks and Open Spaces By-Law



The Municipal Manager of the Thaba Chweu Local Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the By-laws relating to the Public Parks and Open Spaces By-Law for the Thaba Chweu Local Municipality as approved and adopted by Council on 28 February 2018 under Resolution No. A13/2018

**Purpose**

- To regulate the admission of persons, animals and vehicles to public parks;
- To provide for the use and enjoyment of public parks and open spaces;
- To determine conduct that will not be permitted within public parks and open spaces ; and
- To provide for matters incidental thereto.

**PREAMBLE**

**WHEREAS** section 156(2) and (5) of the Constitution of the Republic of South Africa, 1996 provides that a Municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions;

**AND WHEREAS** Part B of Schedule 5 to the Constitution lists local amenities and municipal parks and recreation as local government matters;

**AND NOW THEREFORE BE IT ENACTED** by the Council of the Thaba Chweu Local Municipality as follows:—

**Definitions**

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

“**animal**” includes any mammal, bird, fish, reptile, insect, amphibian or invertebrate;

“**authorised official**” means a member of staff of the Municipality delegated by the Municipal Manager and the Director: Social and Community Services, or appointed by the Municipal Manager to implement the provisions of this By-law, or any appointed external service provider referred to in section 76(b) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and includes a law enforcement officer or traffic official of the Municipality who has been declared a peace officer in terms of section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977), acting when on duty and properly identified as such;

“**municipality**” means the Thaba Chweu Local Municipality established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998),

“**Municipal Manager**” means the person appointed by the Council in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act NO. 117 OF 1998);

“**Constitution**” means the Constitution of the Republic of South Africa Act, 1996;

“**Council**” means the council of the Thaba Chweu Local Municipality , being a council as provided for in terms of section 18 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), or any committee, any sub-council or any councillor of council, acting under delegated or sub-delegated authority of the Council;

“**Councillor**” means the member of the Council;

“**Director: Social and Community Services**” means the Section 56 employee of the Municipality in charge of the department of the municipality;

“**notice**” means a written notification, or a pictogram issued in terms of this By-law as set out in Schedule 1, prominently and legibly displayed at the entrance to or in any facility or part thereof to which it is intended to apply;

“open spaces” will include, without derogating from the generality of the term:

- (a) developed park areas;
- (b) undeveloped park areas, duly zoned as such;
- (c) agricultural land whether owned by the Municipality or the State;
- (d) tracts of land whether owned by the Municipality or the State;
- (e) sidewalks and road islands;
- (f) public parking areas;
- (g) a dam and its environs;
- (h) any other tract of land with no determined use.
- (i) private open spaces

“public park” means—

- (a) any botanical or other garden, play-ground, zoned public open space managed by the Department of Social and Community Services in the municipality, or a park owned or leased by the municipality, including any portion thereof and any facility or apparatus therein or thereon, but excluding any public road or street; and
- (b) any botanical, other garden or play-ground which is lawfully controlled and managed in terms of an agreement by a person other than the Council;

“Structures Act” means the Local Government: Municipal Structures Act, 1998 (Act No.117 of 1998);

“this By-law” includes the Schedules hereto;

“vehicle” means any self-propelled vehicle and includes-

- (a) a trailer; and
- (b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto which is designated or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine or motor, but does not include -
  - (i) any vehicle propelled by electric power from storage batteries and which is controlled by a pedestrian; or
  - (ii) any vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person.

## **2. Delegation and appointment of authorised officials**

- (1) The Municipal Manager may delegate any of his or her powers or assign any of his or her duties in terms of this By-law to any official of the municipality.
- (2) The Director: Social and Community Services may delegate any of his or her powers or assign any of his or her duties to any official of the municipality.
- (3) Subject to the recruitment policies of the municipality, the Municipal Manager may appoint authorised officials to exercise and perform certain powers and duties in terms of this By-law.

## **3. Maximum number of persons**

- (1) The Director: Social and Community Services may determine the maximum number of visitors who may be present at a specific time in a public park, provided that different numbers may be so determined for different parks and for different events.
- (2) The numbers contemplated in subsection (1) must be made known by the Director: Social and Community Services by means of a notice.

## **4. Admission to and visiting a public park**

- (1) A person who is admitted to gain access or visit a public park must, subject to the provisions of this By-law, observe and comply with all notices displayed in a public park or in the entrance thereto and obey any instructions given to him or her by the authorised official.
- (2) Should a person fail to observe and comply with a notice or any instructions referred to in subsection (1), the Municipality shall not be liable for damage or injury suffered while such person is visiting the public park.
- (3) A public park is, subject to the provisions of this By-law, open to the public on the times determined by the Director: Social and Community Services, provided that different times may be determined in respect of different public parks.
- (4) No person shall enter or leave an enclosed public park at a place other than that indicated for that purpose.
- (5) The conditions times and places contemplated in subsections (1), (2) and (3) shall be made known by the Director Social and Community Services by means of a notice.

## **5. Entrance fees**

- (1) Subject to the provisions of this By-law, every person shall have free access to a public park.

(2) Despite subsection (1), Council may, in terms of the Tariff By-law prescribe fees for entering a public park in such special circumstances as determined by it, and such fees shall be made known by means of a notice.

#### **6. Dumping and Littering**

No person shall in a public park —

- (a) dump, drop, bury or place any refuse, rubble, material or any object or thing; or
- (b) permit any dumping, dropping, burying, placing of any refuse, rubble, material or any object or thing, except in a container identified for that purpose in the park.

#### **7. Liquor and food**

- (1) No person shall bring into, consume, brew, store or sell in a public park any liquor or any other alcoholic or intoxicating substance.
- (2) No person shall in a public park, contrary to a notice, cook or prepare food of any kind whatsoever, except at places set aside for such purposes by notice.
- (3) The preparation and cooking of food at places set aside by notice for such purpose in or at a public park shall be done in a clean and sanitary manner.
- (4) No animal may be killed, skinned or slaughtered in a public park without the written consent of the Director: Social and Community Services having first been obtained.

#### **8. Animals**

- (1) No person shall bring any dead or alive animal into a public park except in accordance with the directions of the Director Social and Community Services provided that different directions may be determined in respect of different public parks and different types of animals.
- (2) The directions contemplated in subsection (1) shall be made known by means of a notice.
- (3) Carcasses may not be buried in a public park but must be disposed of at the owner's expense and in a manner approved by the Council.

#### **9. Use of public parks**

- (1) No person shall in a public park without the written permission of the Director: Social and Community Services or contrary to any conditions which the Director: Social and Community Services may impose when granting such permission —
  - (a) arrange or present any public entertainment;
  - (b) display or distribute any pamphlet, placard, painting, book, handbill, sign, advertisement board or any other printed, written or painted work;
  - (c) arrange or hold a public gathering or procession, or any exhibition or performance;
  - (d) conduct any trade, occupation or business;
  - (e) display, sell or rent or present for sale or rent any wares or articles;
  - (f) hold an auction;
  - (g) off-load or store building or other material.
- (2) Subject to any other law, the written permission contemplated in subsection (1) shall be refused only if anything referred to in subsection (1)(a) to (g)—
  - (a) is likely to give rise to —
    - (i) public rioting;
    - (ii) the disturbance of public peace;
    - (iii) the committing of an offence;
    - (iv) the committing of an indecent act;
    - (v) risks that compromise safety and security; or
    - (vi) a situation where a planned activity in any area of jurisdiction of the Municipality is taking place at the same time as a planned activity in the park, and the activity planned to take place in the park is deemed to have a detrimental impact on the ability of the municipality to ensure safety and security;
  - (b) is detrimental to the public or the users of, or visitors to, the public park; or
  - (c) is likely to damage or destroy the amenities, wildlife or plant material in the park.

#### **10. Trees in public parks**

- (1) No person other than an authorized official shall—
  - (a) plant or prune a tree or shrub, or in any way cut down a tree or a shrub, in a public park or remove it therefrom, except with the written permission of the Director: Social and Community Services;
  - (b) unless permitted by a notice climb a tree growing in a public park or, break or damage such tree; or

- (c) in any way mark or paint any tree growing in a public park or attach any advertisement thereto.
- (2) Any tree or shrub planted in a public park shall become the property of the municipality.

#### **11. Safety and order**

- (1) No person shall, in a public park —
  - (a) damage, tamper with or destroy any equipment, amenity or structure;
  - (b) plant, pull out, pick, damage or remove any plant, grass, shrub, bulbs, vegetation or flower;
  - (c) kill, hurt, follow, disturb, ill-treat, catch, remove, translocate or release any animal or displace, disturb, destroy or remove their habitat;
  - (d) use or try to use anything in such park for any purpose other than that for which it is designated;
  - (e) discard any burning or smouldering object;
  - (f) throw or dislodge any rock, stone or object from any mountains, slope or cliff;
  - (g) behave in an improper, indecent, unruly, violent or anti-social manner or cause a disturbance;
  - (h) run, walk, stand, sit or lie in a flower bed;
  - (i) run, walk, stand, sit or lie on grass contrary to a notice;
  - (j) lie on a bench or seating-place or use it in such a manner that prevents others from using it;
  - (k) play or sit on playpark equipment, except if the person concerned is 14 years old or younger, or as permitted by a notice;
  - (l) swim, walk or play in a fish-pond, fountain, stream, dam or pond;
  - (m) skate on roller skates or a skateboard or similar device except where permitted by notice;
  - (n) operating a gas or charcoal fired barbeque or stove;
  - (o) dig, disturb or remove any mineral substance including soil, sand, gravel or rock;
  - (p) damage, dig, disturb, deface, destroy or remove any fossils, bones or historical artefacts;
  - (q) operate any remote control device including boats, planes helicopters or cars;
  - (r) build, erect, place, create, remove or modify any structure, amenity, pathway, trail, jump or ramp; or
  - (s) engage in any activity which may pose a risk or in combination with other activities in the area of jurisdiction of the municipality
- (2) Notwithstanding subsection (1), the Director Social and Community Services may, by notice, and subject to such conditions as he or she may deem necessary, authorise or permit any of the actions contemplated in subsections (1).

#### **12. Water**

No person may in a public park—

- (a) misuse, remove, pollute or contaminate any water source, water supply or waste water;
- (b) interfere with or obstruct the flow of any river or seasonal wetland; or
- (c) drain or redirect any water from private land.

#### **13. Vehicles**

- (1) No person may bring into a public park any truck, bus, motorcar, motor cycle, bicycle, quadbike, motor tricycle, or any other vehicle, craft, hot air balloon or aeroplane, whether driven by mechanical, animal, natural or human power, supermarket or other trolleys, except in accordance with the written permission of the Director: Social and Community Services provided that different requirements or conditions may be determined for different public parks and for different vehicles, craft or aeroplanes.
- (2) The Director: Social and Community Services may determine the speed limit applicable in a public park, provided that different speed limits may be determined for different public parks and for different vehicles, craft or aeroplanes.
- (3) The requirements or conditions contemplated in subsection (1) and the speed limit contemplated in subsection (2) shall be made known by a notice by the Director: Social and Community Services.

#### **14. Games**

No person may play or conduct any game of any nature that will cause —

- (a) disturbance or potentially disturb; or
- (b) injury to, other park users except at places set aside for that purpose by notice and in accordance with the directions of the Director: Social and Community Services.

#### **15. Improper or indecent behaviour**

No person may in a public park —

- (a) perform an act which is indecent or conduct himself or herself improperly by exposure of his or her person or otherwise, or make improper gestures or incite or urge someone to perform a disorderly or indecent act;
- (b) use foul, lewd or indecent language;
- (c) write, paint, draw or in any way make a lewd, explicit or immoral figure, writing, drawing or representation; or
- (d) enter or use a toilet facility intended or indicated as such by notice for members of the opposite sex, provided that this shall not apply to children below the age of seven accompanied by an adult.

## **16. Open Spaces**

16.1.1 Public open spaces must be managed, and where appropriate developed, in the interests of the whole community, and in determining the interests of the whole community –

- (a) the long-term collective interests of the people of Thaba Chweu Local Municipality, and of South Africa, must be prioritised over the interests of any specific interest group or sector of society;
- (b) a long-term perspective, which takes into account the interests of future generations, must be adopted; and
- (c) the interests of other living organisms which depend on public open spaces must be taken into account.

16.1.2 Public open spaces must be managed in an environmentally sustainable manner.

16.1.3 Subject to the provisions of subsection 18, people must be given access to public open spaces on a non-discriminatory and equitable basis.

16.1.4 If necessary, special measures must be taken to facilitate access to public open spaces by historically disadvantaged persons and by disabled persons.

16.1.5 Access to a public open space may be restricted in a manner, which does not unjustifiably discriminate against any person or class of persons– if the restriction is,

- (a) authorised by these By-laws or by any other law; or
- (b) in order to achieve the purposes of these By-laws.

16.1.6 The recreational, educational, social and other opportunities which public open spaces offer must be protected and enhanced to enable local communities, particularly historically disadvantaged communities, and the public to improve and enrich their quality of life.

16.1.7 Local communities must be encouraged to use and care for public open spaces in their areas.

16.1.8 The natural environment and heritage resources within public open spaces must be identified, preserved, protected and promoted, for the benefit of the local community, the public and future generations.

- a) exercising a power or function or performing a duty under these By-laws;
- b) formulating or implementing any policy which is likely to have a significant effect on, or which concerns the use of public open spaces within the Municipality's jurisdiction; or
- c) exercising a public power or function or performing a public duty which is likely to have a significant effect on, or which concerns the use of, public open spaces.

## **16.2. Fees**

Any member of the public must pay –

- (a) a prescribed fee to use recreational or other facilities which the Municipality provides within any public open space;
- (b) a prescribed fee for entrance to any public open space which is significantly more expensive to maintain than other public open spaces, such as botanical gardens;
- (c) a prescribed fee for the right to undertake a special event;
- (d) a prescribed fee for the right to exclusively use municipal property for a specific period;
- (e) a deposit prior to undertaking a prohibited activity permitted by the Municipality;
- (f) an annual or monthly fee for the right to use urban agricultural public open space to the exclusion of any other person; and
- (g) a prescribed fee for processing applications for permits or letters of permission under these By-laws, if such a fee or deposit has been determined by the Municipality.

## **16.3 Restricting access**

16.3.1 The Municipality may restrict access to any public open space or to any part of a public open space for a specified period of time –

- a) to protect any aspect of the environment within a public open space;
- b) to reduce vandalism and the destruction of property;
- c) to improve the administration of a public open space;
- d) to develop a public open space;
- e) to enable a special event or to undertake any activity which the Municipality reasonably considers necessary or appropriate to achieve the purposes of these By-laws.

**16.4 Obligations in relation to public open spaces**

16.4.1. The Municipality must within a public open space display any notice required under these By-laws.

16.4.2 In relation to recreational public open spaces, the Municipality must –

- (a) ensure that they are open to the public between sunrise and sunset, unless specified otherwise in terms of a notice; and
- (b) prominently display a notice at every entrance indicating:
  - (i) the opening and closing times of that recreational public open space; and
  - (ii) any rules made by the Municipality in relation to that recreational public open space

**17. General powers of Municipality**

The Municipality may in relation to any public open space –

- (a) designate any area within a public open space as an area within which one or more activities otherwise prohibited in terms of these By-laws may be undertaken, and display a prominent notice to this effect at every entrance to the designated area;
- (b) develop any public open space in accordance with the principles set out by the Town Planning processes;
- (c) erect, construct, establish or demolish municipal property; and
- (d) exercise any other power reasonably necessary for the discharge of the Municipality's obligations in terms of these By-laws relating to the management of public open spaces.

**18 Powers of an authorised official**

An authorised official may —

- (a) in a public park at any time enter upon any place, land, premises or building and conduct an investigation thereat in order to determine whether the provisions of this By-law are complied with;
- (b) for the better exercising of any power or the performance of any function or duty assigned or granted to him or her, take along an interpreter who, while acting under the lawful order of such an official, shall have the same powers, functions and duties as such official as contemplated in paragraph (a);
- (c) give instructions to or direct the public, for the purposes of this By-law, to act in a specific manner whilst at the public park.

In relation to any public open space, an authorized official may –

- a) to the extent authorised by the Municipality administer, implement and enforce the provisions of these By-laws;
- b) issue a notice in terms of any provision of these By-Laws;
- c) instruct any person to leave a public open space if the authorized official reasonably believes that the person is contravening any provision of these By-laws, and fails to immediately terminate such contravention upon the instruction of that official; and
- d) if such official is a peace officer, exercise any power which may be exercised by a peace officer under the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

**19. Rights of Municipality**

19.1 The Municipality reserves the right to close a public open space including a public park or part thereof or to limit the use thereof to a particular group or organization for any special event but not exceeding a continuous period of 5 (Five) days;

19.2 The Municipality may by notices posted at or near entrance gates to enclosed public open spaces indicate the hours during which such public open space is closed to the public and may, for any special purpose close any public open space, or any part thereof, or any building therein, to the public for such time as it may from time to time consider necessary or expedient but not for an indefinite period;

19.3 The Municipality will be entitled to limit the number of visitors to a public park area or other public open space.

19.4 The Municipality may convert a public open space into a private open space and charge entrance fees subject to the following of a public participation process.

**20. Amendment, change and addition of a notice or pictogram**

(1) The Director: Social and Community Services may, subject to the provisions of this By-Law, amend, change or add any notice or pictogram mentioned in Schedule 1.

(2) The Director Social and Community Services must, within 5 working days after an amendment, change or addition of a notice or pictogram as contemplated in subsection (1), display such amended, changed or added notice or pictogram in the relevant public park or at the entrance thereto.

## 21. Offences and penalties

(1) Any person who contravenes or fails to comply with a notice issued in terms of, or a condition imposed under, or any other provision of, this By-law, shall be guilty of an offence and if convicted shall be liable for a fine or imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

(2) In addition to imposing a fine or imprisonment in terms of subsection (1), a court may order any person convicted of an offence under this By-law —

(a) to remedy the harm caused; or

(b) to pay damages for harm caused to another person or to property which order shall have the force and effect of a civil judgment.

## 22. Repeal of by-laws

(1) The by-laws listed in Schedule 2 hereto are repealed to the extent set out in column 3 of such Schedule.

(2) In the event of any other by-law of the Municipality being inconsistent with this By-law, the provisions of this By-law shall prevail, to the extent of the inconsistency.

## 23. Short title

This By-law will be called the Thaba Chweu Local Municipality Public Parks By-law, 2018/19.

### SCHEDULE 1

#### Symbols / Pictograms for use on park notice boards

#### NUMBER OF INTERPRETATION OF SYMBOL OR SIGNS

1. Thaba Chweu Local Municipality	21 Swimming	41 No overnight stay
2 Potable water	22 Fishing	42 No fires
3. First aid	23 Boardsailing	43 No portable barbecue appliances
4 Directional sign	24 Sailing	44 No hunting
5 Toilets	25 Boating	45 No firearms
6 Ladies	26 Boat-launching ramp	46 No bow and arrow shooting
7 Gents	27 Camping	47 No catapults
8 Litter bin	28 Caravans	48 No stone-throwing
9 Pedestrians	29 Fire in fireplaces	49 No flower picking
10 Jogging	30 Picnic site	50 No dumping
11 Hiking	31 Dogs	51 No golf
12 Cycling	32 Dogs on leash	52 No radios, tape or CD players
13 Mountain bikes	33 Remove dog faeces	53 No washing or drying of clothes
14 Motor bikes	34 Roller skating	54 No fireworks
15 Scramblers	35 Skateboarding	55 No drugs or alcohol
16 Quad bikes	36 Hang-gliding	56 No damaging of vegetation
17 Motor vehicles	37 Café/Take away	57 Opening times
18 Busses	38 Tea-room	58 Closing times
19 Parking	39 Restaurant	59 No supermarket or other trolleys
20 Horse riding	40 Prohibition	60 No washing of the body
		61 No graffiti

#### Note

All symbols are in green detail on a white background with a red border. If a symbol is displayed with a red border and red diagonal slash (no 40) it implies that the activity concerned is prohibited

**SCHEDULE 2****The following By-Law is to be repealed**

<b>Registration no</b>	<b>Name of the by-law</b>	<b>Extent of repeal</b>
Original Promulgation: Administrator's Notice No. 252 of 20 April 1938.	By-laws Relating to Parks, Gardens and other Open Spaces.	Whole By-Law

**Notice No: 46**



## PROVINCIAL NOTICE 56 OF 2019



## THABA CHWEU LOCAL MUNICIPALITY



## TRAFFIC AND CRIME PREVENTION BY-LAWS

The Municipal Manager of the Thaba Chweu Local Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the By-laws relating to traffic and crime prevention by-laws for the Thaba Chweu Local Municipality as approved and adopted by Council on 28 February 2018 under Resolution No. A13/2018

**PREAMBLE**

In terms of Section 11(3) (m) of the Local Government Municipal Systems Act 2000 (Act 32 of 2000) the Municipality, in exercising its legislative and executive authority and in line with its integrated development plan (IDP) has identified the need to formulate Bylaws relating to Traffic and Crime Prevention for its community and to be known as the Thaba Chweu By-laws relating to Traffic and Crime Prevention.

**PURPOSE AND SCOPE OF THIS BYLAW**

The purpose and scope of this Bylaw is to formulate and promulgate Bylaw relating to Traffic and Crime Prevention which shall control and regulate vehicle and pedestrian traffic within its area of jurisdiction of the Thaba Chweu Municipality

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## PART 1

### GENERAL

#### 1 TITLE

This By-Law may be cited as the "Traffic & Crime Enforcement By-law".

#### 2 DEFINITIONS

In this By-law and in any resolution of the Council passed pursuant thereof, unless the context otherwise requires, the term or expression:

**Act** means the National Road Traffic Act 93 of 1996

**Animal** means a domestic animal including a horse, cow, steer, bull, sheep, pig, or any domestic beast of burden;

**Beg** means any request made by a person for an immediate donation of money or some other thing of value or otherwise including passively standing or sitting or kneeling with a sign or other indication that one is seeking donations without addressing any solicitation to any specific person this definition does not include persons who are lawfully entitled to seek donations by virtue of being a registered NGO or charitable institution;

**Block** means the portion of a street which lies between two (2) other streets neither of which is a lane and which both intersect the first named street;

**Bicycle** means a vehicle for the carriage of persons, that is propelled by human power that has two (2) pendulum wheels and includes any device adapted from a bicycle by the addition of one (1) or more wheels;

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<b>CCTV</b>	means closed circuit television and is the industry standard in surveillance cameras
<b>Charitable organisation</b>	means organisation registered as a non profit organisation to raise funds on behalf of charity
<b>Chief Traffic Officer</b>	means the head of the traffic police of the Thaba Chwe Local Municipality appointed by Council, or during his or her absence, the officer acting in such capacity.
<b>Council</b>	means the council of the Thaba Chweu Local Municipality
<b>Curb</b>	means the dividing line of the street between that part of the street intended for use of vehicles and that intended for use by pedestrians whether marked with a curbstone or not;
<b>Dangerous Goods</b>	shall have the same meaning as defined in The National Road Traffic Act 93 of 1996 Chapter VIII of the Regulations: Transportation of Dangerous Goods and Substances by Road As published in Gov Gaz 20963 of 17 March 2000, enacted on 3 August 2001 by proclamation in Gov Gaz 22553 of that date and as further amended in Gov Gaz 25484 of 25 September 2003, Gov Gaz 28916 of 4 August 2006 and Gov Gaz 32258 of 27 May 2009);
<b>Disability</b>	means any person who has a physical impairment that substantially limits one or more major life activities, has a record of such impairment; or is regarded as having such an impairment confirmed in writing by a registered medical practitioner.
<b>Disabled Person Parking Area</b>	means all that portion of any street, public place or shopping centre parking lot that has been designated by a sign or other marking for the exclusive parking of disabled persons' vehicles;

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<b>“Disabled Person’s Vehicle”</b>	means any vehicle which displays a special license plate or Disc depicting thereon the international symbol of the disabled issued by the “Association for the Physically Challenged” or other competent authority having the authority to issue such permit;
<b>District Municipality</b>	means the _____ District Municipality
<b>Double-park</b>	means the standing of a vehicle, whether occupied or not:  (a) parallel to a vehicle parked beside the curb in a designated parking area, or  (b) parking to the rear of any vehicle that is angle-parked at the curb in a designated angle-parking area for any reason other than delay due to traffic signs or traffic control signals;
<b>Emergency Vehicle</b>	means any vehicle of the Fire Department, the Traffic Police, any licensed ambulance, any military vehicle or any vehicle designated as an emergency vehicle by a competent authority, Government department or the Municipality;
<b>Fire Lane</b>	means that area designated by a sign or a marking as a fire lane;
<b>Heavy Vehicle</b>	means:  (a) A vehicle with a gross weight registration exceeding ten thousand (10,000) kilograms, or

- (b) A vehicle, including any combination of motor vehicle, trailer, machinery, equipment and load, with a total weight exceeding ten thousand (10,000) kilograms;

<b>Holiday</b>	means any Day determined to be a public holiday, or by proclamation by the South African Government as a public holiday, and when any Holiday falls on a Sunday, the expression "holiday" includes the following day;
<b>Intersection</b>	means that portion of the roadway where two (2) or more streets intersect;
<b>Lane</b>	means that kind or type of a street intended primarily to give access to the rear of real property and intended primarily for the use of vehicles;
<b>Lane Intersection</b>	means that area bounded by property lines, real or projected, of a lane where it meets with the street;
<b>Loading Zone</b>	means that portion of a street adjacent to the curb designated by a sign or a marking for the exclusive use of vehicles loading or unloading of goods;
<b>Marking</b>	means any pavement marking installed on the street for the guidance, regulation, warning, direction or prohibition of traffic;
<b>Motor Vehicle Attendant</b>	means a person who, at the request or with the consent of the person in charge of a motor vehicle, undertakes for reward to supervise or take care of such motor vehicle while it is parked in a public street;
<b>Municipality</b>	means the Thaba Chweu local municipality;



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<b>NGO</b>	means Non Governmental Organisation registered as a non profit organisation
<b>Obstruction</b>	in relation to a road, means any motor vehicle or any other thing which blocks or is likely to block traffic flow;
<b>Overnight</b>	means the period from 19h00 in the evening to 06h00 in the morning;
<b>Parade</b>	means: <ul style="list-style-type: none"><li>(a) any procession, group or body of pedestrians standing, marching or walking on any street or sidewalk and numbering twenty (20) or more except members of the armed forces; or</li><li>(b) any group of vehicles numbering ten (10) or more and standing, moving or proceeding on any street except vehicles belonging to and under control of a members of the armed forces or funeral processions;</li></ul>
<b>Parking</b>	means the standing of a vehicle, whether occupied or not, on a street, otherwise than temporarily for the purpose and while actually engaged in loading or unloading or in abeyance to traffic regulations, signs or signals;
<b>Parking Stall</b>	means a portion of a street or an area indicated by a sign marking, meter or a physical barrier as a parking space for one (1) vehicle only;
<b>Pedestrian</b>	means any person on foot or confined to a wheelchair and shall include a baby carriage;
<b>Pedestrian Crosswalk</b>	means:

- (a) that portion of a street designated by a sign or a marking for the use of pedestrians to cross a street;
- (b) a crosswalk that has been designated as a pedestrian crosswalk that has an overhead pedestrian crossing sign equipped with a red or yellow flashing signal;
- (c) where there is no sign, marking or flashing signal, that portion of a street within the prolongation of the lateral boundary lines of the adjacent or intersecting sidewalks at the end of a block; or
- (d) where there is no sign, marking, sidewalk, or flashing signal, that portion of the street measured five (5) metres back from the intersection and parallel across the roadway;

**Person**

means any corporation, firm, partnership, association, registered company, unincorporated group of persons, natural person or other aggregation of the same;

**Police Officer**

means a traffic officer of the municipality appointed by Council or a member of the South African Police Service or a member of the Road Traffic Inspectorate (RTI) or Traffic Warden or Peace Officer or Service Provider staff appointed by the Municipality;

**Private Driveway**

means every road intended for private use and not open to the public for the purpose of vehicular traffic;

**Public Place**

means—

- (a) a public road;
- (b) any parking area, square, park, recreation ground, sports ground, open space, shopping centre, unused or vacant municipal land or cemetery which has—
  - (i) in connection with any subdivision or layout of land into erven, lots or plots, been provided, reserved or set apart for use by the public or the owners or occupiers of such erven, lots or plots, whether or not it is shown on a general plan, plan of subdivision or diagram;
  - (ii) at any time been dedicated to the public;
- (c) a public transportation motor vehicle,
- (d) but will not include public land that has been leased or otherwise alienated by the Municipality;

**Road Construction Equipment** means self-propelled or towed equipment

used directly in road construction, but does not include a truck, trailer, semi-trailer unit or road construction equipment transported on a truck, trailer or semi-trailer unit;

**Sidewalk**

means the actual sidewalk where constructed on or adjacent to a part of a street or that portion of a street intended primarily for use by pedestrians, or any structure in a park or other public place designed and intended for use by pedestrians;

**Sidewalk Crossing**

means that part of a sidewalk permanently improved or designated for the passage of vehicular traffic whether intended for private or public use;

**Sign**

means any sign, signal, marking or other device installed for the guidance, regulation, warning, direction or prohibition of traffic, parking, standing or stopping;

**Slow-Moving Vehicle**

means any slow-moving vehicle or equipment, any animal-drawn vehicle or any other machinery designed for use at a speed of less than forty (40) kilometres per hour or that normally travels or is used at a speed of less than forty (40) kilometres per hour;

**Stop**

means:

- (a) when required, a complete cessation from movement (2 images taken at different times showing no movement); or
- (b) when prohibited, any stopping, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer or traffic control signal;

**Street**

means a road, lane or other place designated and intended for or used by the general public for the passage of vehicles and pedestrians but does not include:

- (a) a parking lot, whether privately or publicly owned; or
- (b) a provincial highway as designated pursuant to

the provisions of The

Road Traffic Act, 1996, or such Act as may be enacted in its stead from time to time;

<b>Street Entertainer</b>	means a person who mimes, plays a musical instruments for entertainment or engages in other performing or visual arts;
<b>Director Technical Services</b>	means the Engineer and or the Manager of Public Works appointed by the Council, or a Service Provider or any person acting or authorized to act on their behalf.
<b>Traffic</b>	means the movement of pedestrians, vehicles or animals on any street;
<b>Traffic Control System</b>	means an illuminated device whether manually, electrically or mechanically operated for the purpose of directing, warning or regulating traffic;
<b>Traffic Officer</b>	means a traffic officer appointed by the Thaba Chweu Local Municipality
<b>Vehicle</b>	means a "motor vehicle" as defined in The Road Traffic Act or any Authorised officer means a person responsible for the issue of permits and in the employment of the municipality Act as may be passed in its stead from time to time and includes a device in, upon or by which a person or thing is or may be transported or drawn upon a street and includes special mobile machines and agricultural implements, and, for the purpose of parking and stopping restrictions, includes any portion of a vehicle but does not include a wheelchair.
<b>Verge</b>	means the strip of land between the curb and sidewalk and between the sidewalk and the property line or, where there is no sidewalk, the strip of land

between the curb and the property line;

### **3. INTERPRETATION**

- 3.1 Wherever in this By-Law the expression “Vehicle”, “Vehicular” and “Vehicular Traffic” is used, it means and shall be held to include, for the purpose of prosecution under this By-Law, the driver or operator.
- 3.2 Any other words shall, insofar as they are not consistent with this By-Law, have the same meaning as in The Road Traffic Act, 1996, and amendments thereto.
- 3.3 Unless the context otherwise requires, words importing the singular number shall include the plural and vice versa; words importing the masculine gender shall include the feminine and neutral genders.

## **PART 2**

### **TRAFFIC CONTROL**

### **4 ERECTION OF PERMANENT SIGNS**

- 4.1 The Director Technical Services is hereby authorized to erect and maintain signs for the purpose of controlling, warning, stopping, yielding, guiding, informing and directing traffic in conformity with the provisions of this By-Law.
- 4.2 The Director Technical Services shall keep a register of the location of all permanent traffic control systems, signs, devices and zones where parking, stopping and speed limits are restricted by permanent signs and the register shall be open for inspection at the office of the Director Technical Services during normal business hours.

### **5. TEMPORARY STREET CLOSURES**

- 5.1 Notwithstanding any other provision in this By-Law, the Director Technical Services shall have the authority to, temporarily close, to vehicular traffic or restrict traffic, parking or stopping on any street for the purpose of:

- (a) enabling work to be carried out by or on behalf of the Municipality, including road maintenance, street cleaning snow removal or sewer or water line construction, repair or improvements;
  - (b) facilitating the moving of any building, structure, machine or other object for which a permit has been issued
  - (c) facilitating the construction, repair or demolition of a building, structure or other object for which a permit has been issued;
  - (d) facilitating public gatherings.
- 5.2 Notwithstanding any other provision of this By-Law, a Police Officer or a person authorized by the Municipality to enforce this By-Law shall have the authority, to temporarily close, to vehicular traffic or restrict traffic, parking or stopping on any street to avoid traffic congestion, danger, accident, traffic signal malfunction or other emergency.
- 5.3 Where a street has been closed pursuant to subsection 5.1, the Director Technical Services shall install such temporary stop, yield, parking or detour signs as may be required.
- 5.4 For the purpose of street repair and maintenance, the Director Technical Services may move, for such distance as is necessary, any vehicle that is parking on any street or portion thereof which is roped off, barricaded or indicated by notice or sign as being closed.
- 5.5 No person shall drive, park or stop a vehicle or walk on any street or portion thereof that is roped off, barricaded or indicated by sign or notice as being closed.
- 5.6 Notwithstanding any other provisions of this By-Law, a Police Officer is hereby authorized to direct traffic in any manner he deems necessary to expedite traffic, safeguard pedestrians, prevent accidents or meet any unforeseen conditions, whether or not in conformity with this By-Law or the Act, in event of a fire, accident, traffic control system device malfunction or other emergency.

- 5.7 Notwithstanding any other provision of this By-Law, in the case of fire or other emergency and no Police Officer or Director Technical Services is present, an officer of the Fire Department is authorized to direct traffic in such a manner as he deems necessary whether or not his directions are in conformity with the provisions of this By-Law or The Road Traffic Act.

## **6 OBEDIENCE TO SIGNS**

Unless otherwise directed by a Police Officer, pedestrians or drivers of vehicles shall comply with all permanent and temporary signs, traffic control systems and any marking, barrier or device that has been placed or is maintained by the authority of the Council, the Director Technical Services or by a police officer.

## **7 CROSSING NEW PAVEMENT MARKINGS OR A FIRE HOSE**

- 7.1 Where a newly painted line on any street is indicated by sign, flag or other warning device, no person shall drive any vehicle or walk on or otherwise cross over such line.
- 7.2 No person operating a vehicle shall drive the vehicle across or stand a vehicle up on any fire equipment, including water-hose that is in use, intended to be used or was used by members of the Fire Department.

## **8 UNAUTHORIZED SIGNS PROHIBITED**

- 8.1 No person shall erect, maintain or install a sign, signal, marking or light on a street, sidewalk or verge except as authorized by Council or the Director Technical Services. The Director Technical Services is hereby empowered to remove any prohibited sign, signal, marking or light without notice.
- 8.2 No person other than Council or the Director Technical Services shall authorize the placing of any sign or notice regulating or prohibiting the parking of vehicles or buses or the movement of traffic on any street.

## **9 DISTRACTING DEVICES/ SIGNS/ DIRECTIONAL SIGNS OR NOTICE BOARDS**

- 9.1 No person shall install or keep installed any Device which, in the opinion of the police officer or Director Technical Services, is of such a nature or so positioned that it will distract the attention of a driver or operator of a vehicle and in so doing create a traffic hazard.
- 9.2 No person or owner of property or business or such like shall erect either temporarily or permanently any Sign or Notice Board which in the opinion of the police officer, Director Technical Services, is of such a nature or so positioned



that it will distract the attention of a driver or operator of a vehicle and in so doing create a traffic hazard or obstruction to drivers or vehicles.

- 9.3 No person or owner of property or business or such like shall erect either temporarily or permanently any Directional Sign save as is provided in section 4 of part 2, which in the opinion of the police officer or Director Technical Services, is of such a nature or so positioned that it will distract the attention of a driver or operator of a vehicle and in so doing create a traffic hazard or obstruction to drivers or vehicles

## 10 INTERFERENCE WITH SIGNS

No person shall deface, damage, knock down, remove, obscure or interfere with any traffic sign, warning or direction sign, marker, traffic control signal or traffic light erected or maintained by the Municipality.

## PART 3

### STOPPING, STANDING AND PARKING

## 11 METHOD OF PARKING

- 11.1 Subject to subsections 11.3, 11.4 and 11.5, the driver or operator of a vehicle shall not stop or park the vehicle on any street other than;
- (a) parallel with a curb, and with the left hand wheels of the vehicle within four hundred and fifty (450) millimetres of the edge of the curb;
  - (b) facing the vehicle in the same direction as the ongoing traffic.
- 11.2 Notwithstanding subsection 11.1 where the vehicle is a motorcycle, the driver or operator shall park the vehicle with the rear or front wheel within four hundred and fifty (450) millimetres of the curb.
- 11.3 In designated angle-parking areas other than right-angle parking areas on a street, the driver or operator shall park the vehicle on any street at an angle with the right curb of between forty (40) and sixty (60) degrees.
- 11.4 Where the parking spaces are designated at right-angles to the curb, the driver or operator of the vehicle shall park the vehicle in the parking space at an angle with a curb of ninety (90) degrees.

- 11.5 On a one-way street, the driver or operator of the vehicle may park with the right side of the vehicle towards the curb on the right-hand side of the street providing the right-hand wheels of the vehicle are within four hundred and fifty (450) millimetres of the edge of the curb.
- 11.6 If the vehicle is left unattended while parked on a street having a perceptible grade, the motor shall be stopped, the brake set thereon and the front wheels of such vehicle shall be turned toward the nearest curb of such street or parking area in such manner as to prevent the vehicle from rolling forward or backward as the case may be.
- 11.7 No person shall park a vehicle on any public property other than a street including any ditch, park, playground or school ground except as authorized by the Director Technical Services or other public authority having jurisdiction.
- 11.8 Subsection 11.7 shall not apply to maintenance vehicles of the Municipality in the case of public property or the Boards of Education in the case of school grounds.

## 12 **PARKING LIMIT SIGNS**

Except as otherwise provided for under this Part or any other Act or in the absence of any appropriate signs;

- (a) no person shall park a vehicle on a street for a longer than that allowed by signs,
- (b) no person shall park a vehicle on any street, verge or open space to advertise the sale of vehicles,
- (c) no person may park a vehicle on any street, verge or open space in such a manner so as to advertise or promote any business or sales provided that;
  - (i) such promotion or advertising is authorised by the Council or person delegated by council to approve same and,
  - (ii) the manner in which the promotion or advertising is done does not cause any obstruction or distraction to business or traffic flow.

## 13 **NO PARKING LOCATIONS**

The driver or operator of a vehicle shall not park the vehicle

- (a) on a street or part of a street designated as a no parking area by the appropriate signs;
- (b) in any lane to load or unload passengers or goods;

- (c) within ten (10) metres of a street intersection;
- (d) within three (3) metres of a lane intersection;
- (e) within two (2) metres of any sidewalk crossing;
- (f) within five (5) metres of any railway track;
- (g) within five (5) metres of a fire station driveway;
- (h) within six (6) metres of a crosswalk.
- (i) within fifteen (15) metres of a stop sign or traffic signal.

#### 14 **PARKING LIMITS**

Except as otherwise indicated by a sign or otherwise provided for in this By-Law, no person shall park a vehicle on any street for a continuous period exceeding forty-eight (48) hours.

#### 15 **USE OF SPACE IN FRONT OF FIRE HYDRANT**

The driver or operator of a vehicle shall not park within five (5) metres of any fire hydrant or, where the fire hydrant is not located at the curb, within five (5) metres of the point of the curb nearest the hydrant unless the operator remains at the wheel of the vehicle and is at all times ready to move the vehicle upon request by a Police Officer, council employee, or member of the Fire Department.

#### 16 **DOUBLE-PARKING**

No person shall double-park a vehicle on any street.

#### 17 **DISABLED PERSON'S VEHICLE PARKING**

- 17.1 A disabled person's vehicle may be parked in any space designated as a Disabled Parking provided such parking is in accordance with the assigned time limit for the space in which the Disabled Parking is situated.
- 17.2 No person may stop, park or leave a vehicle at any time in any designated parking space other than a vehicle displaying a valid designated parking permit.
- 17.3 No person may stop, park or leave a vehicle at any time in any designated parking space other than a vehicle that is conveying a disabled person to whom a valid permit has been issued.

17.4 Any person who contravenes subsection 17.2 and 17.3 commits an offence.

## **18 LOADING ZONES**

18.1 The street area adjacent to the curb designated by a sign or marking as a “loading zone” shall be used by a driver or operator of a vehicle in accordance with the time limits and directions set out on the sign.

18.2 A goods vehicle may park in an area designated as a “loading zone” for such period as necessary for the Loading or Off-Loading of goods to or from a place of business reasonably close to such “loading zone” provided that;

- (a) The owner or operator of such goods vehicle parks for the period that is deemed reasonably necessary for the loading or off-loading of goods; and
- (b) Includes a vehicle engaged in the loading or off-loading of goods within a reasonable period deemed necessary to complete such loading or off-loading.

18.3 The owner or operator of a vehicle, excluding a goods vehicle, shall at all times whilst loading or off-loading ensure that he or she is present at the vehicle for the duration of such Loading or off-loading.

## **19 UNLICENSED VEHICLE PARKING ON THE STREET**

No person shall park a vehicle on a street unless it displays license plates with a current and valid licence disc pertaining to such vehicle attached to the lower left hand corner of the windscreen or a registration permit as issued and displayed in the manner prescribed in the National Road Traffic Act or any Act passed in their stead.

## **20 PRIVATE PROPERTY**

The driver or operator of a vehicle shall not park the vehicle on or in any private parking space or on any private property except with the express consent of the owner, occupant or permittee of the private parking space or the private property.

## **21 MAXIMUM DIMENSIONS OF PARKED VEHICLE**

21.1 No person shall park a vehicle or a vehicle connected to a trailer, implement or any other equipment on a street that has angle-parking or in any metered area where the vehicle exceeds:

- (a) a length of six (6) metres;

- (b) a height of four (4) metres; or
- (c) a width of two point five (2.5) metres.

21.2 No person shall park a vehicle or a vehicle connected to a trailer, implement, or any other equipment that has an overall length of more than six (6) metres on a street in any residential district for more than one (1) hour at any time.

21.3 This section does not apply to a construction trailer, implement or equipment owned by the Municipality.

## **22 ENGINE RUNNING**

No person shall permit or allow any vehicle in his charge or control to stop in any public parking stall or street with the engine running unless;

- (a) the vehicle is securely locked and the emergency brake is on provided that, and such parking or stopping is beyond the control of the driver or operator,
- (b) the vehicle is occupied by or under the control of the driver, operator or another responsible person.

## **23 VEHICLE REPAIR ON THE STREET**

23.1 No person shall stop or park any vehicle on any street, verge, public open space or parking stall for the purpose of servicing, maintaining, or repairing such vehicle.

23.2 No person shall leave any vehicle on any street or parking stall when that vehicle has been placed on a jack or blocks.

## **24 WASHING VEHICLE**

24.1 No person shall wash any vehicle on any street or on or in any parking stall, waterway, river, stream, dam, jojo water tanks or standpipes.

24.2 No person shall wash any vehicle on any public open space or on or near any municipal owned property.

24.3 No person shall wash any vehicle if the council or the district municipality imposes water restriction save for businesses which operate as carwashes

**25 PARKING IN FIRE LANE OR IN A DISABLED PERSON'S PARKING STALL**

- 25.1 No person shall park a vehicle anywhere within an area designated as a fire lane.
- 25.2 No person shall park a vehicle, other than a disabled person's vehicle, anywhere within a disabled person's parking stall provided that;
- (a) A sticker or token issued by the "Association for Disabled Persons" is attached to the windscreen in a clear and unobstructed manner.
- 25.3 This section shall not apply to any person operating an emergency vehicle.

**PART 4****DRIVING AND OPERATION OF VEHICLES****26 SPLASHING PEDESTRIANS**

When water, mud or slush is lying on a street, the driver or operator of a vehicle shall drive on the street in a manner so as not to splash any pedestrian who is using the sidewalk or pedestrian crosswalk.

**27 U-TURNS**

No driver or operator of a vehicle shall turn the vehicle on a street so as to proceed in the opposite direction except at an unsignalized median opening or at an unsignalized intersection of streets, neither of which is a lane or a driveway, provided that such turn is not otherwise prohibited.

**28 ENTERING TRAFFIC**

The driver or operator of a vehicle shall, before entering any street or lane from a private driveway, street, lane or from the curb, yield the right of way to traffic approaching from the sidewalk and street, and shall not proceed until it is safe to do so.

**29 ENTERING AN INTERSECTION**

Notwithstanding any traffic signal indication to proceed, the driver or operator of a vehicle shall not enter an intersection unless there is sufficient space on the other side of the intersection to accommodate the driver's or operator's vehicle without obstructing the passage of traffic.

**30 TOWING VEHICLE**

- 30.1 No person shall tow a vehicle on a street in an unsafe manner or with an unsafe tow rope, tow chain or other connecting device or in such a manner that is deemed to be unsafe in the opinion of any Police Officer.
- 30.2 No person shall tow any vehicle in contravention of the Act as amended from time to time.

**31 VEHICLE NOT TO BE DRIVEN, PARKED OR USED ON PUBLIC PROPERTY**

- 31.1 No person shall drive, park or use a vehicle on any sidewalk or verge unless so directed by a police officer.
- 31.2 No person shall drive any vehicle on or across any public property other than a street or lane, including any ditch, park, playground or school ground unless so directed by a police officer.
- 31.3 This section shall not apply to maintenance vehicles of the Municipality in the case of public property or the Boards of Education in the case of school grounds.

**32 DRIVER OF MOTOR VEHICLE TO BE LICENSED**

No person shall drive a motor vehicle on a public road—

- (a) except under the authority and in accordance with the conditions of a licence issued to him or her in terms of the Act or of any document deemed to be a licence for the purposes of the Act; and
- (b) unless he or she keeps such licence or document or any other prescribed authorisation with him or her in the motor vehicle.

**33 MOTOR VEHICLE TO BE LICENSED**

Subject to the provisions of the National Road Traffic Act, every motor vehicle in the Municipality shall, whether or not it is operated on a public road, be licenced by the owner of such motor vehicle, in accordance with the provisions of the Act, with the relevant licensing authority.

**34. DRIVER TO HAVE OPERATING LICENCE OR PERMIT**

Subject to the provisions of section 32 of the National Road Traffic Act, no person shall drive a motor vehicle of a class prescribed in terms of the Act on a public road except—

- (a) in accordance with the conditions of a permit issued to him or her in accordance with the provisions of the National Road Traffic Act; and
- (b) if he or she keeps such permit with him or her in the motor vehicle, provided that this subsection shall not apply to the holder of a learner's licence who drives such motor vehicle whilst he or she is accompanied by a person registered as a driver in respect of that class of vehicle.

### **35 OPERATING LICENCE OR DRIVING LICENCE TO BE PRODUCED ON DEMAND**

35.1 The holder of a licence must—

- (a) maintain the operating licence or driving licence in a good and legible condition; and
- (b) keep the operating licence or driving licence in the motor vehicle to which it relates at all relevant times when the vehicle is being operated.

35.2 A Police/Traffic Officer or Service provider appointed by council may call on any vehicle driven on a public road to stop and may demand that he or she—

- (a) produce the operating licence/ drivers licence; and
- (b) give his or her full name and address and contact details and in the case of a public motor vehicle, also the name and address of the owner of such public motor vehicle.

35.3 A driver referred to in subsection 35.2 may not—

- (a) operate a public transport service without a valid operating licence; or
- (b) allow the operating licence to be used for a vehicle other than that specified in such operating licence.

35.4 The A Police/ Traffic Officer or Service provider appointed by council may detain the vehicle for no longer than four (4) hours until such time as the driver / owner contact details can be verified. If the driver/owner fails to provide such valid operating licence within the period of four (4) hours then the police officer may impound the said motor vehicle.

### **36 MAXIMUM SPEED**

36.1 No person shall drive or operate any vehicle on a street at a speed greater than the speed permitted by the posted signs.

36.2 No person shall drive or operate any vehicle at a speed greater than twenty (20) kilometres per hour on any lane, cemetery or public parking lot unless otherwise indicated by appropriate signs displaying such.



**37 CARE IN OPENING VEHICLE DOORS**

- 37.1 No person shall open or leave open the door of a vehicle that is next to moving traffic unless it is safe to do so.
- 37.2 No person shall leave or open the door of a vehicle on the side adjacent to moving traffic for a period of time longer than is necessary to load or unload passengers.

**38 DAMAGE TO STREET**

- 38.1 No person shall spin the tyres or perform wheelies on a public road or street or use any part of a motor vehicle if such vehicle may cause damage to the surface of the street.
- 38.2 No person shall use any equipment, device or any instrument or such like if it will or is likely to cause damage to the surface of a public road or street, then the responsible person or owner of such equipment, device or instrument shall ensure that any damage to the surface of such street or roadway is repaired to its previous state.

**39 VEHICLE OR MACHINE WITHOUT TYRES**

No person shall drive, propel or move any vehicle, tractor or other similar machine having contact with the road surface by motorised tracks, including a crawling crane upon, along or across any paved street without a permit.

**PART 5****OPERATION OF MOTORCYCLES AND DEVICES MOVED  
BY HUMAN POWER OR FORCE OF GRAVITY****40 OPERATION OF BICYCLE**

- 40.1 No person shall operate a bicycle:
- (a) on any sidewalk, footpath or verge except in an area as permitted;
  - (b) between sunset and sunrise unless the bicycle is equipped with a reflector that is visible to an approaching motorist from the rear and a lighted headlamp which is similarly visible from the front at a distance of one hundred (100) metres;

- (c) on any street without his feet on the pedals of such bicycle;
  - (d) while carrying a passenger except upon:
    - (i) a tandem bicycle; or
    - (ii) a bicycle equipped with a passenger carrier mounted behind the operator and the passenger is seated in the proper seat provided.
- 40.2 No person shall operate a motorcycle or bicycle:
- (a) in a reckless or negligent manner;
  - (b) without keeping at least one (1) hand on the handlebars at all times;
  - (c) while riding abreast of another cyclist or motorcyclist except for the purpose of passing on the right side;
  - (d) while performing or attempting to perform any trick - riding or acrobatic performance thereon;
  - (e) while carrying a load
    - (i) weighing more than twenty (20) kilograms;
    - (ii) of a greater width than that of the bicycle or motorcycle; or
    - (iii) that obstructs the clear vision of the cyclist or motorcyclist in any direction when seated unless the bicycle or motorcycle is equipped with a proper carrier mounted behind the operator.
- 40.3 No person shall place a bicycle in a reclining position on any street, sidewalk or public place.

## **PART 6**

### **PEDESTRIAN'S RIGHTS AND DUTIES**

#### **41 INCONVENIENCING PEDESTRIAN**

- 41.1 No person shall race, run, crowd, ride a human powered device or jostle other pedestrians on a street or sidewalk so as to create discomfort or confusion for other pedestrians.

- 41.2 No person shall skateboard, rollerblade, J-board, scooter, or use any other human powered device on a street or sidewalk or other public place within the Municipality.

## **42 HITCHHIKING**

No person standing or walking on a street or verge shall solicit a ride by words or by any action from a driver or operator of a moving vehicle where hitchhiking is prohibited.

## **43 PEDESTRIAN RIGHT OF WAY**

When a driver or operator of a vehicle on a street approaches an intersection or a pedestrian crosswalk where:

- (a) a Police Officer is not on duty; or
- (b) a traffic control system is not in operation;

and a pedestrian clearly demonstrates to the driver or operator his intention to cross the street or has actually proceeded into the street, the driver or operator shall stop the vehicle and yield the right of way to the pedestrian.

## **PART 7**

### **STREET AND SIDEWALK OBSTRUCTION**

## **44 OBSTRUCTING SIDEWALK OR STREET**

- 44.1 No person shall obstruct the free passage of traffic on any sidewalk or street without first securing a permit from the Director Technical Services. This shall not be construed as prohibiting the gathering of individuals on any street for a lawful purpose so long as the proceedings thereat are peaceable and orderly, and sufficient space is left both on the sidewalks and street to accommodate the traffic on the sidewalks and streets.

- 44.2 Any Traffic Officer or Police Officer or peace officer or other person authorised by the Municipality with the enforcement of this By-Law may use camera and video images to prove the violation.

**45 DIVERSION OF TRAFFIC FOR PARADE**

- 45.1 The Director Technical Services, in conjunction with a police officer, is hereby empowered to barricade whatever streets they deem necessary for the passage of any parade and to divert traffic to other streets.
- 45.2 During any parade, all pedestrians not taking part therein shall be restricted to the use of the sidewalk and shall not cross through or in any way obstruct or interfere with the parade.
- 45.3 Except with permission in writing by the Council or a person authorised therefore, all parades must proceed on the left side of the street and shall not interfere with traffic proceeding from the opposite direction.
- 45.4 No person shall leave any vehicle on any street that has been cleared or is about to be cleared for a parade.

**PART 8****MOTOR VEHICLE ATTENDANTS AND COMMUNICATION DEVICES****46. MOTOR VEHICLE ATTENDANTS**

- 46.1 No person shall act as motor vehicle attendant within the Municipality, except under authority of a written permit granted by the Chief Traffic Officer, which permit may be granted, subject to such conditions as he may determine, or refuse.
- 46.2 Every permit granted in terms of subsection 46.1 hereof shall, unless cancelled or suspended in terms of subsection 46.6 & 46.7 hereof, be valid until the 31st December of the year of issue.
- 46.3 No person authorised in terms of this By-Law to act as a motor vehicle attendant shall demand any payment for his services in connection with any one motor vehicle.
- 46.4 Every motor vehicle attendant shall, upon demand by any authorised official or a member of the public who engages or proposes to engage his services, produce the permit issued to him in terms of subsection 46.1 hereof.
- 46.5 A permit granted in terms of subsection 46.1 hereof may be revoked or suspended by the municipality if the holder thereof -
- (a) commits a breach of this By-Law or of any condition subject to which the permit was granted;

- (b) leaves unattended any motor vehicle left in his care;
  - (c) while performing his duties as a motor vehicle attendant is or becomes intoxicated;
  - (d) directs the driver of any motor vehicle into an area in which the parking or stopping of vehicles is prohibited;
  - (e) fails to observe or carry out the lawful instructions of any authorised official or police officer.
- 46.6 An applicant who wishes to be registered as a Motor vehicle Parking attendant shall first comply and submit the following documentation together with a written application, and
- (a) Certified copy of Identity Book
  - (b) Fingerprint Clearance certificate
  - (c) Proof of address
- 46.7 No person under the age of 18 shall act as a motor vehicle attendant.
- 46.8 Be a paid up member of Street Eyes

#### **47. PROHIBITION ON USE OF COMMUNICATION DEVICE WHILE DRIVING**

- 47.1 Subject to any other law, no person shall drive a motor vehicle on a public road—
- (a) while holding a cellular or mobile telephone or any other communication device in one or both hands or with any other part of the body;
  - (b) while using or operating a cellular or mobile telephone or other communication device unless such a cellular or mobile telephone or other communication device is affixed to the vehicle or is part of the fixture in the vehicle and remains so affixed while being used or operated, or is specially adapted or designed to be affixed to the person of the driver as headgear, and is so used, to enable such driver to use or operate such telephone or communication device without holding it in the manner contemplated in paragraph (a), and remains so affixed while being used or operated.
- 47.2 For the purposes of this section—
- (a) the word "headgear" includes a device which is specially designed or adapted to allow the driver to use a cellular or mobile telephone or other

communication device in such a manner that he or she does not hold it in one or both hands or with any other part of the body, and which is connected to the cellular or mobile telephone or other communication device concerned, directly or indirectly, while being fitted to or attached to one or both ears of the driver; and

- (b) the phrases "cellular or mobile telephone or any other communication device" and "cellular or mobile telephone or other communication device", excludes land mobile radio transmission and reception equipment operating in the frequency band 2 megahertz to 500 megahertz that is affixed to the vehicle or is part of the fixture in the vehicle.
- 47.3 Subject to subsections (1) and (4), an authorised officer may, in the public interest and safety of the public, confiscate and impound a hand held communication device.
- 47.4 The authorised officer must, when confiscating any hand held communication device—
- (a) inform the owner of such communication device of the reasons of confiscating and impounding;
  - (b) issue a receipt to the owner of such hand held communication device, stating the place at which such device may be claimed; and
  - (c) follow all procedures contained in any policy of the Municipality dealing with the confiscation and impoundment of property.

## **PART 9**

### **HEAVY VEHICLES AND VEHICLES TRANSPORTING DANGEROUS GOODS**

#### **48 HEAVY VEHICLE ROUTES**

48.1 No person shall operate a heavy vehicle on any street except:

- (a) upon the streets set out in a register kept by the Director Technical Services whereby certain streets are established as heavy vehicle routes;
- (b) while such heavy vehicle is making collection or delivery, provided that the driver or operator proceeds by the most direct route to or from the point of collection or delivery, as the case may be, to or from the nearest heavy vehicle route;
- (c) while such heavy vehicle is proceeding to or from the business premises of the owner, driver or operator of the heavy vehicle, provided that the

driver or operator proceeds by the most direct route to or from the business premises, to or from the nearest heavy vehicle route;

- (d) while such heavy vehicle is proceeding to or from a garage for the purpose of repairs, servicing or refueling, provided that the driver or operator proceeds by the most direct route to or from the garage, as the case may be, to or from the nearest heavy vehicle route;
- (e) while such heavy vehicle is engaged in work and in the service of the Municipality.

48.2 No driver or operator of a vehicle shall fail to comply with the request of a Police Officer or a person authorized to enforce this By-Law by the Municipality to immediately proceed to the Municipality weigh-scale and there allow the vehicle to be weighed for the purpose of determining whether the vehicle is a heavy vehicle.

## **49 DANGEROUS GOODS TRANSPORTATION ROUTES**

49.1 The streets set out in a register kept by the Director Technical Services are hereby established as dangerous goods transportation routes.

49.2 No person shall operate a vehicle transporting or designed to transport dangerous goods in bulk other than on a dangerous goods transportation route except while such vehicle:

- (a) is making collection or delivery, provided that the driver or operator proceeds by the most direct route to or from the point of collection or delivery, as the case may be, to or from the nearest dangerous goods transportation route;
- (b) is proceeding to or from the business premises of the owner, driver or operator of the vehicle, provided that the driver or operator proceeds by the most direct route to or from the business premises, as the case may be, to or from the nearest dangerous goods transportation route;
- (c) is proceeding to or from a garage for the purpose of repairs, servicing or refuelling, provided that the driver or operator proceeds by the most direct route to or from the garage, as the case may be, to or from the nearest dangerous goods transportation route;
- (d) is engaged in work and in the service of the Municipality.

49.3. Where the vehicle is proceeding pursuant to 49.2, and where there is no dangerous goods transportation route, the vehicle shall travel on the heavy vehicle route except where necessary to reach a permitted destination.

- 49.4 No person shall load or deliver dangerous goods from a vehicle transporting those goods in bulk between the hours of 7:00 a.m. to 9:00 a.m. and 16:00 p.m. to 19:00 p.m.:
- 49.5 to and with direct access to the dangerous goods transportation route.
- 49.6 Notwithstanding subsections 49.4 this section shall not apply:
- (a) to the transportation of dangerous goods of a weight measure less than two hundred (200) kilograms or liquid measure less than two hundred and fifty (250) litres;
  - (b) to fuel in the fuel tank of the vehicle transporting or designed to transport dangerous goods, provided that the fuel is carried in permanently mounted tanks with a direct line to the fuel system of the vehicle.

## **50 SIGNAGE INDICATING HEAVY VEHICLE OR DANGEROUS GOODS ROUTES OR DETOURS**

- 50.1 The Director Technical Services shall cause to be made, established and maintained sufficient signs indicating heavy vehicle routes and dangerous goods routes through the Municipality.
- 50.2 If a heavy vehicle route or dangerous goods route or any portion thereof is, in the opinion of the Director Technical Services, temporarily impassable or if, for any other reason, the Director Technical Services decides that a heavy vehicle route or a dangerous goods route or any portion thereof shall be temporarily closed, he may establish a temporary heavy vehicle route or dangerous goods route or any portion thereof by way of a detour.
- 50.3 Where the Director Technical Services has established a temporary heavy vehicle route or dangerous goods route pursuant to subsection 50.2, the detour shall be marked by proper signs sufficient to indicate to drivers or operators of heavy vehicles or vehicles transporting or designed to transport dangerous goods in bulk and such detours shall, for the purpose of this By-Law, be the heavy vehicle route or the dangerous goods route until the temporarily closed route or routes are reopened to heavy vehicles or vehicles transporting or designed to transport dangerous goods in bulk.

## **51 PARKING FOR HEAVY VEHICLES**

- 51.1 A driver or operator of a heavy vehicle shall not park the vehicle on any street except where designated as "truck parking only" and as designated by the appropriate signs. The Director Technical Services shall keep a register of such areas.



- 51.2 The Director Technical Services shall ensure that appropriate and sufficient signage is displayed at all entrances to Municipality and where necessary indicating where such “truck parking only” areas are located, if any or alternatively, appropriate signage indicating that there are “No Truck Parking” areas.
- 51.3 Such signage as indicated in subsection 51.2 shall be positioned in a place or area so as to prevent vehicles from entering such areas, on the outskirts of Municipality limits.
- 51.4 A Police Officer may have any heavy vehicle who fails to comply with subsection 51.2 removed by an appropriate breakdown vehicle to any pound or designated yard for safekeeping.
- 51.5 Any vehicle removed and impounded shall remain in the custody of such authority until such time as all fees and necessary costs incurred are settled and paid for before being released.
- 51.6 No Heavy Motor Vehicle may be stopped or parked in any residential areas between the hours of 19h00 and 06h00 the following day unless such vehicle was engaged in the removal or delivery of goods for which the driver can produce documented proof thereof

## **52 PARKING FOR VEHICLES TRANSPORTING DANGEROUS GOODS**

- 52.1 No person shall park a vehicle transporting or designed to transport dangerous goods in bulk within one hundred and fifty (150) metres of any residence, educational institution or place of public assembly.
- 52.2 Notwithstanding subsection 52.1, a vehicle carrying or transporting dangerous goods may be parked within one hundred and fifty (150) metres of any residence, educational institution or place of assembly for such period of time only as is necessary to unload the contents provided that:
- (a) it is not possible for the contents to be unloaded from any other area; and
  - (b) the vehicle and unloading procedure are under constant supervision during the entire period of time that the vehicle is parked.

## **53 PERMIT FOR EXCESS WEIGHT**

- 53.1 Where a vehicle or combination of vehicles, equipment, or machinery exceeds the maximum vehicle gross weight, the operator of the vehicle or combination of vehicles, equipment or machinery shall not operate or move the same on the street unless the operator has a valid permit issued by the Director Technical Services to exceed the maximum vehicle gross weight fixed by this By-Law. The

driver or operator of the vehicle shall notify the Director Technical Services and shall provide him with proof of financial responsibility as provided for. The Director Technical Services, upon being satisfied that the vehicle or combination of vehicles, equipment or machinery can be operated or moved upon the street without the likelihood of damage to the street or other property, shall issue a permit allowing the vehicle or combination of vehicles, equipment or machinery to use such streets as are designated by the Director Technical Services in the permit, and the driver or operator shall then use only such streets as are designated by the Director Technical Services.

- 53.2 In applying for a permit, the driver or operator of the vehicle or combination of vehicles, equipment or machinery shall specify the make, description and weight of the engine, vehicle or machine, the route intended to be followed and the type of tires found on the same.
- 53.3 The fee for a permit shall be the sum as prescribed in the Municipal Tariffs as amended from time to time.
- 53.4 A permit issued under this section shall expire two (2) months after the date of issue or at such earlier date as specified on the permit.
- 53.5 The Director Technical Services may refuse to issue a permit, if, in his opinion, moving the said vehicle, equipment or machinery would damage the street, sidewalk or other Municipality utilities.
- 53.6 The Director Technical Services or other official duly authorized may require such precautions to be observed as he may deem requisite including the laying down of planks to protect any paved street and he may appoint a suitable person to accompany such vehicle or combination of vehicles, equipment or machinery with the authority to see that such precautions are duly observed.
- 53.7 The Director Technical Services shall have the authority to refuse all permits for or to prevent such vehicle, equipment or machinery from passing over bituminous pavement in hot weather during such hours as the heat or the sun may render such pavements liable to damage from heavy vehicles.
- 53.8 The application number for the permit must be given by the operator of the vehicle, equipment or machinery upon request by a Police Officer or the Director Technical Services.

## **54     EXEMPTIONS**

This Part shall not apply to:

- (a) Road construction equipment or road maintenance equipment in the service of the Municipality that is moved on a street within the limits of the

construction area;

- (b) Motor vehicles designed specifically to convey garbage;
- (c) Buses;
- (d) Emergency vehicles.

## **PART 10**

### **RESTRICTED VEHICLES AND SLOW VEHICLES**

#### **55 RESTRICTED VEHICLES**

Subject to the height of the clearance of any sign, subway or bridge from the street, no person shall operate or move on any street any vehicle or combination of vehicles in excess of the dimensions prescribed in section 56.

#### **56 RESTRICTED VEHICLE DIMENSIONS**

56.1 Subject to Regulations 221 – 230 of the National Road Traffic Act 93/1996 and Regulation 220 RTA 93/1996 (vehicles exempt)

- (a) articulated motor vehicles not to exceed 18.5 meters
- (b) drawing vehicle and semi-trailer not to exceed 18.5 meters
- (c) other combinations of motor vehicles not to exceed 22 meters
- (d) vehicles greater than 12000kg GVM maximum width 2.6m
- (e) vehicles less than 12000kg GVM maximum width 2.5m excluding any Bull Bar provided that such Bull Bar does not protrude more than 300mm to the front

##### **56.2 Rear Vision Mirror Dimensions**

A rear vision mirror on the side of the vehicle or combination of vehicles may extend an additional three hundred (300) millimetres past the width dimensions prescribed in subsection 52.1.

##### **56.3 Tie-Down Device Dimensions**

A tie-down device on the side of a vehicle or combination of vehicles may extend an additional one hundred (100) millimetres past the width dimensions prescribed in subsection 52.1.

**57 PERMIT FOR EXCESS DIMENSIONS**

- 57.1 Where a vehicle or combination of vehicles, equipment, or machinery exceeds the restricted vehicle dimensions prescribed in section 80.1, the operator of the vehicle or combination of vehicles, equipment or machinery shall not operate or move the same on the street unless the operator has a valid permit issued by the Director Technical Services to exceed the restricted vehicle dimensions fixed by this By-Law. The driver or operator of the vehicle shall notify the Director Technical Services and shall provide him with proof of financial responsibility. The Director Technical Services, upon being satisfied that the vehicle or combination of vehicles, equipment or machinery can be operated or moved upon the street without the likelihood of damage to the street or other property, may issue a permit allowing the vehicle or combination of vehicles, equipment or machinery to use such streets as are designated by the Director Technical Services in the permit, and the driver or operator shall then use only such streets as are designated by the Director Technical Services.
- 57.2 In applying for a permit, the driver or operator of the vehicle or combination of vehicles, equipment or machinery shall specify the make, description and weight of the engine, vehicle or machine, the route intended to be followed and the type of tires found on the same.
- 57.3 The fee for a permit shall be the sum as prescribed in the Municipal Tariffs as amended from time to time.
- 57.4 A permit issued under this section shall expire two (2) months after the date of issue or at such earlier date as specified on the permit.
- 57.5 The Director Technical Services may refuse to issue a permit, if in his opinion, moving the said vehicle, equipment or machinery would damage the street, sidewalk or other Municipality utilities or disrupt traffic.
- 57.6 The Director Technical Services or other official duly authorized may:
- 57.6.1 require such precautions to be observed as he may deem requisite including:
- (a) the use of pilot cars in conformity with the Escort Vehicle Equipment ;
  - (b) the issuance of any permits as required by any other organisation/s which may be affected thereby
  - (c) the appointment of a suitable person to accompany the restricted vehicle, equipment or machinery to ensure that such precautions are duly observed;

- (d) the execution of an agreement by the applicant to bear all costs and liability for any damage that may occur by moving the vehicle, equipment or machinery.

57.6.2 place terms within the permit restricting the days and hours that the permit for moving the said vehicle, equipment or machinery.

57.7 The application number for the permit must be given by the operator of the vehicle, equipment or machinery upon request by a Police Officer or the Director Technical Services.

## **58 FARM EQUIPMENT EXEMPTIONS**

58.1 Subsections 58.6.1, 58.6.2 and section 58.7 do not apply to any farm equipment, farm machinery, granary or grain bin being towed or that is self-propelled between sunrise and sunset on a street except:

- (a) where it extends or protrudes to the right of a center line of the main travelled portion of the street; or
- (b) where it extends or protrudes in the extreme right driving lane of the main travelled portion of a street which has been designated as a one-way street unless the extension or protrusion results from overtaking and passing a vehicle proceeding in the same direction or from an obstruction or closure of the portion of the street to the right of the center line by a vehicle or other object and the roadway upon which the extension or protrusion is to occur is free from obstruction and the movement can be made safely.

58.2 Time Restrictions for Transporting Farm Equipment

Notwithstanding subsection 54, a person shall not operate or move any farm equipment or any vehicle pulling farm equipment on a street between 6:00 a.m. to 10:00 a.m. and 15:00 p.m. to 17:00 p.m., excluding Saturdays, Sundays and Public Holidays.

## **59 SLOW VEHICLES OTHER THAN FARM EQUIPMENT**

59.1 Unless otherwise directed by traffic signs or signals or by a Police Officer, the driver or operator of any slow-moving vehicle other than farm equipment shall drive such vehicle as closely as possible to the Left-Hand side of the street.

59.2 No person shall operate a slow-moving vehicle on any street between the hours of 6:00 a.m. and 10:00 a.m. or 15:00 p.m. and 17:00 p.m. Monday to Friday inclusive, excluding public holidays.

- 59.3 Notwithstanding subsection 59.1 and 59.2, a slow-moving vehicle may be operated at night between the hours of 7:00 p.m. and 6:00 a.m. provided that the vehicle is preceded and followed by a pilot car or is equipped with lights to the front and the rear and a rotating/flashing warning light.

## **PART 11**

### **BUILDING, MOVING AND TEMPORARY STREET USE PERMITS**

#### **60 PERMIT TO MOVE BUILDING**

- 60.1 No person shall move a building, object, contrivance or structure, the dimensions of which, including the vehicle and trailer, exceed:
- (a) a width of three point seven (3.7) metres;
  - (b) a length of twenty-four point four (24.4) metres; or
  - (c) a height of four point two (4.2) metres; over a street without first obtaining a moving permit and then only in compliance with the terms of that permit from the Director Technical Services.
- 60.2 The Director Technical Services shall have authority to issue a moving permit for the moving of a building, object, contrivance or structure over a street upon:
- (a) receipt of an application in writing for a moving permit not less than seventy-two (72) hours before the commencement of the move and giving full particulars of the move;
  - (b) the issuance of any other permit to move a building, object, contrivance or structure as required.
  - (c) receipt of an agreement or deposit by the applicant to bear all costs for signing, barricading, pole removal and damage to property.

#### **61 TEMPORARY STREET USE PERMIT**

- 61.1 No person shall cause or allow anything to encroach upon a street, sidewalk or verge because of the construction, repair or demolition of a building, structure or other object without first obtaining:
- (a) a temporary street use permit and then only in compliance with the terms of the temporary street use permit; or
  - (b) a permit approved by Council.

- 61.2 The Director Technical Services shall have authority to issue a temporary street use permit on a form provided by the Town, for temporary street use of a street, sidewalk or verge for up to three (3) weeks during the construction, repair or demolition of a building, structure or other object upon:
- 61.3 receipt of an application in writing for a temporary street use permit not less than seventy-two (72) hours before the commencement of the construction, repair or demolition and giving full particulars of the proposed temporary street use;
- 61.4 the issuance of any required building or demolition permits from the Municipality to the applicant;
- 61.5 the issuance of any other permits as required
- 61.6 execution of an agreement by the applicant to bear all costs of signing, barricading and damage to property;
- 61.7 receipt of a fee as established by resolution of Council; and
- 61.8 satisfying himself that the temporary street use will not unduly interfere with traffic or endanger public safety.
- 61.9 The Director Technical Services may suspend or revoke a temporary street use permit where the applicant fails to abide by any condition of the permit or where the temporary street use unduly interferes with traffic or endangers public safety.

## **PART 12**

### **DIRT, DEBRIS and PUBLIC NUISANCE**

#### **62 REMOVAL OF DIRT AND DEBRIS**

- 62.1 All persons within the Municipality shall remove or cause to be removed and cleared away any dirt, debris or other materials from any sidewalk adjoining the property owned or occupied by them, such removal to be completed within twenty-four (24) hours of the time when the dirt, debris or other obstruction was formed or deposited thereon.
- 62.2 In default of any person complying with subsection 62.1 and in addition to any other remedy available to the Municipality for non-compliance with this By-Law, the Municipality may clear the sidewalk and the cost thereof shall be paid to the Municipality upon demand and failing payment such cost shall be charged against the property as a special assessment.
- 62.3 No person shall remove dirt, debris or other materials from any sidewalk by causing such material to be placed upon any other portion of any street or other public place adjacent to such property.

- 62.4 No person shall remove any dirt, debris or material causing an obstruction from a sidewalk by causing it to be placed upon the roadway adjacent to such sidewalk except to the extent that the removal of dirt or debris to private property is impractical.
- 62.5 No person shall place, or permit to be placed, any dirt, debris or other material removed from private property onto any street or other public places of the Town.

### **63 PROHIBITED BEHAVIOUR**

- 63.1 No person, excluding a Peace Officer or any other Official or person acting in terms of the law, shall—
- (a) when in a public place—
    - (i) intentionally block or interfere with the safe or free passage of a pedestrian or motor vehicle; or
    - (ii) intentionally touch or cause physical contact with another person, or his or her property, without that person's consent;
  - (b) approach or follow a person individually or as part of a group of two or more persons, in a manner or with conduct, words or gestures intended to or likely to influence or to cause a person to fear imminent bodily harm or damage to or loss of property or otherwise to be intimidated into giving money or other things of value; or
  - (c) continue to beg from a person or closely follow a person after the person has given a negative response to such begging.
- 63.2 Any person who blocks, occupies or reserves a public parking space, or begs, stands, sits or lies in a public place shall immediately cease to do so when directed by a police officer.
- 63.3 No person shall in a public place—
- (a) use abusive or threatening language;
  - (b) fight or act in a riotous or physically threatening manner;
  - (c) urinate or defecate, except in a toilet;
  - (d) bath or wash himself or herself, except—
    - (i) in a bath or shower; or



- (ii) as part of a cultural initiation ceremony in an area where such a ceremony is taking place;
- (e) spit;
- (f) perform any sexual act;
- (g) appear in the nude or expose his or her genitalia, except where designated by the Municipality as areas where nudity is permitted, provided that this shall not apply to children below the age of seven;
- (h) consume any liquor or drugs;
- (i) be drunk or be under the influence of drugs;
- (j) solicit or importune any person for the purpose of prostitution or immorality;
- (k) engage in gambling;
- (l) start or keep a fire, except an official or person duly authorised to do so or acting in terms of the law or in an area designated by the Municipality to do so; or
- (m) sleep overnight or camp overnight or erect any shelter, unless in an area designated for this purpose by, or with the written consent of the Town, provided that this shall not apply to cultural initiation ceremonies or informal settlements already established at the time of promulgation of these by-laws.

## 64 **NOISE NUISANCE**

No person shall in a public place—

- (a) cause or permit to be caused a disturbance by shouting, screaming or making any other loud or persistent noise or sound, including amplified noise or sound; or
- (b) permit noise from a private residence or business to be audible in a public place,
- (c) unless such persons have a permit to use such loudhailers, amplifiers or loudspeakers to amplify the sound

**PART 13****CAMERA AND VIDEO IMAGES (CCTV)****65     USE OF CAMERA AND VIDEO IMAGES (CCTV)**

Any police officer or any other person authorised by the municipality in the enforcement of this Bylaws may use CCTV:

(a) to capture any contravention of this Bylaw

(b) to prove the violation

in any Court of Law.

**PART 14****PROCEDURES, VOLUNTARY PAYMENTS AND PENALTIES****66     CHALKING TYRES**

Any Police Officer or other person authorised by the Municipality with the enforcement of this By-Law may place an erasable chalk mark on the tread face or side of a tire of any vehicle parked or stopped.

**67     IMPOUNDMENT OF VEHICLE AND BICYCLES**

67.1 Any Police Officer or any other person authorized by the Thaba Chweu Municipality or the Director Technical Services may move, remove, cause to be moved or be removed any vehicle or bicycle that is unlawfully parked, placed, left or kept on any street, public parking place, other public place or public property in order to enforce this By-Law.

67.2 Any vehicle or bicycle removed pursuant to subsection 92.1:

- (a) shall be impounded and stored at the Municipality compound or any other place authorized by the police officer or official of the Municipality or the Director Technical Services at the cost of the owner for a period of thirty (30) days after the date of removal of the vehicle or bicycle; and

- (b) shall be released to the owner on payment of the costs of removal, impoundment and storage and any outstanding fines within thirty (30) days after the date of the removal of the vehicle or bicycle.

67.3 If the vehicle or bicycle is not redeemed within thirty (30) days,

- (a) the vehicle or bicycle shall be dealt with as lost or unclaimed personal property;
- (b) the Municipality shall have the right to recover from the owner of the vehicle or bicycle the costs of removal, impoundment and storage, including the actual cost of advertising, by:
  - (i) action in a court of competent jurisdiction;
  - (ii) sale of the vehicle or bicycle at public auction;
  - (iii) private sale of the vehicle or bicycle where the vehicle or bicycle cannot be disposed of at a public auction.

## **68 IMPOUNDMENT IN RESPECT OF OBSTRUCTIONS, ENCUMBRANCES OR ENCROACHMENTS**

Where an obstruction, encumbrance or encroachment is created or left on any street, verge or sidewalk, any Police Officer or other person authorized by the Municipality may remove or cause the removal of that obstruction, encumbrance or encroachment at the cost of the person who caused the same and may destroy or otherwise dispose of the same in the manner provided therefore.

## **69 VOLUNTARY PAYMENT (By-Law Violation)**

69.1 Where a Prosecution has been issued the Prosecution Notice shall indicate whether the offense is one for which the Municipality will accept voluntary payment in an amount as set by Schedule "A" of this By-Law.

If payment is made within thirty two (32) days of the issue date of the Prosecution Notice the payment set out in Schedule "A" shall be reduced by Fifty percent.

69.2 If the alleged contravention is one for which the Municipality will accept a voluntary payment in an amount as prescribed in Schedule "A", the recipient of a Prosecution Notice desiring to make a voluntary payment shall, within thirty two (32) days from the date of issue of the Prosecution Notice, produce and present the Prosecution Notice and prescribed payment to the Town Treasurer during

normal business hours except on Saturdays, Sundays, Statutory or Public holidays.

69.3 Subject to where the Chief Financial Officer receives voluntary payment of the prescribed amount, the person or owner of the vehicle receiving the Prosecution Notice shall not be liable for prosecution for the alleged contravention.

69.4 Nothing in this section shall be construed to prevent any person from exercising his right to defend a charge of contravention of this By-Law.

## **70 VOLUNTARY PAYMENT (Summary Offence Procedures Act)**

Where a Prosecution Notice (Sec. 341, 54 or 56) has been issued pursuant to the Road Traffic Act and Regulations, a voluntary payment can be made to the Local Court in the amount set on the Notice.

## **PART 15**

### **OFFENCES AND PENALTIES**

## **71. OFFENCES AND PENALTIES**

Any person who –

- (a) contravenes or fails to comply with any provision of these Bylaws ;
- (b) fails to comply with any notice issued or displayed in terms of these Bylaws ;
- (c) fails to comply with any lawful instruction given in terms of these Bylaws ; or
- (d) obstructs or hinders, or improperly influences or attempts to do so, any authorised representative or employee of the Council in the execution of his or her duties or performance of his or her powers or functions under these Bylaws; is guilty of an offence and liable on conviction to a fine not exceeding R15.000.00 or imprisonment for a period not exceeding 6 months as regulated from time to time in terms of the Adjustment of Fines Act 101 of 1991.

## **72 CONTRAVENTION OF BY-LAW**

72.1 When a Police Officer or other person authorised by the Municipality to enforce this By-Law has reason to believe that a person or vehicle has contravened any

provision of this By-Law, that Police Officer or other person authorised to enforce this By-Law may issue a Prosecution Notice to the person.

Service of the Prosecution Notice may be made by anyone of the following methods, and if so made shall be deemed to be effective service for the purposes of this By-Law:

- (a) in the case of an individual:
  - (i) by delivering it personally to the individual
  - (ii) by placing the Prosecution Notice on the vehicle in respect of which an offence is alleged to have been committed
  - (iii) by sending it by registered mail at the individual's last known address
  - (iv) by sending it by email / fax / normal mail / SMS / WhatsApp/ BBM / Phone call / Face Book/ and other electronic means at the individual's last known address
- (b) in the case of a corporation:
  - (i) by delivering it personally to the driver of the vehicle in respect of which an offence is alleged to have been committed
  - (ii) by placing the Prosecution Notice on the vehicle in respect of which an offence is alleged to have been committed
  - (iii) by sending it by registered mail to the registered office of the corporation
  - (iv) by delivering it personally to the manager, secretary or other executive officer of the corporation or the person in charge of any office or other place where the corporation carries on business.
  - (v) by sending it by email / fax / normal mail / SMS / WhatsApp/ BBM / Phone call / Face Book/ and other electronic means to the registered office of the corporation

72.2 No person, other than a Police Officer or person authorized by the Municipality to enforce this By-Law, shall place a Prosecution Notice on any vehicle.

72.3 No person, other than the owner or operator of the vehicle, shall remove a Prosecution Notice from a vehicle.

72.4 Only the Manager – Traffic & Licensing may cancel any Prosecution Notice where that Prosecution Notice was issued improperly or in error.

72.5 The penalty for breach of any provision of this By-Law shall be those set out in Schedule "A" of this By-Law.

72.6 Notwithstanding any other provisions of this By-Law, the registered owner of any vehicle shall be liable for a violation of any provision of this By-Law, as well as the person who committed the breach, unless the registered owner proves to the satisfaction of the judge or justice of the peace trying the case that, at the time of the breach, the vehicle had been stolen from him or taken, without his consent express or implied, out of his possession or out of the possession of a person entrusted by him with its care.

### **73 PROSECUTION FOR DAMAGES**

Nothing in this By-Law shall be construed to curtail or abridge the right of the Municipality to prosecute an action for damages by reason of damage suffered to any municipal property resulting from the contravention of any of the provisions of this By-Law.

### **74 APPLICATION OF THIS BY-LAW**

74.1 The headings throughout this By-Law are for convenience only and are not intended to be used to construe the intent of this By-Law or any part hereof, or to modify, amplify, or aid in the interpretation or meaning of the provisions of this By-Law.

74.2 If a court of competent jurisdiction should declare any section or subsection of this By-Law to be invalid, such section or subsection shall not be construed as having persuaded the Council to pass the remainder of the By-Law, and it is hereby declared that the remainder of this By-Law shall be valid and remain in force.

74.3 In the prosecution of an alleged contravention of any of the provisions of this By-Law, the onus of proof that the action giving rise to the charge was previously authorized shall lie upon the person charged.

### **75 REPEAL OF FORMER BY-LAW**

The By-Laws relating to Traffic for the Thaba Chweu Municipality, are hereby repealed and replaced by these by-laws, which are to become effective on promulgation hereof.

**76     EFFECTIVE DATE**

This By-Law shall come into force and effect upon its approval by the Thaba Chweu Municipality

Dated: \_\_\_\_\_

**SCHEDULE "A" - By-Law No. \_\_\_\_\_****VOLUNTARY PAYMENT****First Offence Only 50% reduction if paid within 32 days**

Second and third Offense in any 30 day period = Full Amount

Additional Offense or More in any 30 day period = R1 000.00

**Section By-Law Description**

Fail to comply with direction of Traffic Control systems, markings, barrier or device: R1 000.00

Crossed a newly painted road marking R1 000.00

Drove vehicle across fire department water hose or equipment R500.00

Did not stop at a stop street R1 000.00

Crossed a double barrier line R2 000.00

Erected signs without approval R500.00

Damage to council or enforcement Service Provider property NAG

Fail to park within 450mm from curb R500.00

Park facing wrong way R1 000.00

Fail to set brake, turn wheels to curb on a hill R500.00

Parking on public property R500.00 without permission

Park beyond the time limit posted on signs R500.00

Park where "No Parking" signs are posted R500.00

Park in lane other than to load or unload passengers or Goods R500.00

Park within 10m of a street intersection R500.00

Park within 3m of lane intersection R500.00

Park within 2m of a sidewalk crossing R500.00

Park within 5m of any railway tracks R500.00

Park within 5m of a fire station driveway R500.00

Park within 6m of a crosswalk R500.00

Park within 15m of a stop sign or traffic signal R500.00

Parking continuously on street for over 48 hours R2 000.00

Park within 5m of a fire hydrant R500.00

Double-park on street R500.00

Park in loading zone when not loading or unloading goods or Passengers R500.00

Park unlicensed vehicle on street R2 000.00

Park a vehicle on street without a licence plate R2 000.00

Parking on private property without consent R500.00

Park vehicle over 6m in length, in metered parking stall R1 000.00

Park vehicle over 4m in height, in metered parking stall R1 000.00

Park vehicle over 2.5m in width, in metered parking stall R1 000.00

Park vehicle over 6m in length, on street or publicly owned parking lot in any residential district for more than 1 hour R1 000.00



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Park in parking stall engine running unattended and Unlocked R1 000.00  
Repairing or servicing a vehicle parked on a street or public Parking R1 000.00  
Vehicle on street over 3 hours on jack or blocks R1 000.00  
Washing a vehicle parked in parking stall R1 000.00  
Park in a fire lane R2 000.00  
Unauthorized parking in disabled zone R1 000.00  
Parked at an expired meter R1 000.00  
Parked on a street for a time longer than allowed by the meter R1 000.00  
Drove in a manner so as to splash pedestrians R1 000.00  
Park in metered stall - not wholly within 1 stall R1 000.00  
Park on a sidewalk or verge R1 000.00  
Ride bicycle on a sidewalk footpath or verge R500.00  
Ride bicycle at night without light or reflector R500.00  
Ride bicycle without feet on the pedals R500.00  
Ride bicycle with passenger - other than exceptions R500.00  
Ride bicycle or motorcycle without 1 hand on handlebars R500.00  
Trick riding bicycle or motorcycle R1 000.00  
Bicycle carry load over size or weight - other than exceptions R1 000.00  
Fail to leave bicycle in upright position R1 000.00  
Bicycle not identified R1 000.00  
Ride roller skates, skate boards - jostle other pedestrians R1 000.00  
Ride skate boards on sidewalk - Central Business District R1 000.00  
Hitchhiking R1 000.00  
Park obstructing traffic R1 000.00  
Vehicle left on street cleared for parade R1 000.00  
More than 2 taxicabs at a taxi stand R1 000.00  
Stop or park in a bus stop or taxi stand R1 000.00  
Park bus on the street - other than bus stop R1 000.00  
Off truck route - other than exceptions R2 000.00  
Off dangerous goods route - other than exceptions R2 000.00  
Park truck over 9000 kg in a location other than authorized R2 000.00  
Slow moving vehicle on street between 6:00 am and 10:00 am or 3:00 pm and 7:00 pm R1 000.00  
Person other than the owner or operator removing a Violation Notice R1 000.00  
Did not wear a seat belt R1 000.00  
Held or used a cell phone while vehicle was in motion without a hands free kit R1 000.00

**Schedule "B"****PREAMBLE**

**WHEREAS** section 156(2) and (5) of the Constitution provides that a Municipality may make and administer By-laws for the effective administration of the matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incident to, the effective performance of its functions

**AND WHEREAS** Part B of schedule 5 to the Constitution lists traffic and parking as Local Government to the extent set out in section 155(5)(a) and(7);

**AND WHEREAS** the Municipality seeks to regulate parking within its area of jurisdiction and matters incidental thereto;

**AND NOW THEREFORE, BE IT ENACTED**, by the Council as follows;

**PARKING FEE:** A rate that allows 75% occupancy at all times

Resident parking permit	R500.00 per month
Temporary parking permit	R500.00 per month
Rental of parking meter per day	R150.00 per day
Issue of parking disk for disabled person	R200.00 per year
Veteran's Permit	R200.-00 per year
Government Officials (in office) Permit	R500.00 per year
R500 admission of guilt for parking and overstay without payment	
R500 admission of guilt for parking non payment	
Work zone permit	R500.00 per month
Municipal works parking permit	R500.00 per month
Metered Taxi parking permit	R1 000.00 per month
Wheel clamp removal fee	R500.00

**TOWING**

Administration Charge	R1 000.00
Custody Costs (per day)	R1 000.00
Call out	R675.00
Towing per KM	R20.00

**POUND**

Administration Charge	R1 000.00
Daily Rate or part there of	R1 000.00

**Notice No: 46**