



KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
ISIFUNDAZWE sAKWAZULU-NATALI

Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe

GAZETTE EXTRAORDINARY – BUITENGEWONE KOERANT – IGAZETHI EYISIPESHELI

(Registered at the post office as a newspaper) • (As 'n nuusblad by die poskantoor geregistreer)
(Irejistiwee njengephephandaba eposihhovisi)

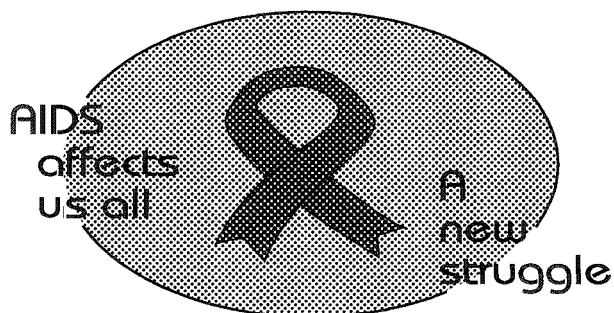
Vol. 1

PIETERMARITZBURG,

10 OCTOBER 2007
10 OKTOBER 2007
10 kuMFUMFU 2007

No. 41

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH



9771994455008

CONTENTS

<i>No.</i>		<i>Page</i>
	MUNICIPAL NOTICE	
26	Constitution of the Republic of South Africa (108/1996) and Municipal Systems Act (32/2000): Umdoni Municipality: Advertising Signs and Hoardings By-laws	3
<i>No.</i>		<i>Ikhasi</i>
	ISAZISO SIKAMASIPALA	
26	Umasipala Wase-Mdoni: Imithetho Yedolobha Emayelana Nzikhangiso	40

MUNICIPAL NOTICES—MUNISIPALE KENNISGEWINGS—IZAZISO ZIKAMASIPALA**No. 26****10 October 2007**

The Council of the Umdoni Municipality acting in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) and in terms of section 13(a) of the Municipal systems Act, 32 of 2000 read with section 7 (6) of the Rationalisation of Local Government Affairs Act, 1998 as set out hereunder, has made the following bylaws, which bylaws shall come into operation on the date of publication hereof

D. D. NAIDOO
MUNICIPAL
MANAGER

UMDONI MUNICIPALITY**ADVERTISING SIGNS AND HOARDINGS: BY-LAWS**

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

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

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

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

AND WHEREAS the provisions of these bylaws shall not relieve any person from complying with the provisions of the Advertising on Roads and Ribbons Development Act, 1940 (Act No. 21 of 1940) nor the Town Planning Schemes in operation in the Umdoni Municipality nor the provisions of the KwaZulu-Natal Roads Act No. 4 of 2001;

AND WHEREAS these bylaws do not apply to authorised tourist destination signs and any sign required to be displayed in terms of any law of a competent legislature;

NOW THEREFORE the following By-laws are adopted as the Advertising Signs and Hoardings: By-laws, for the Umdoni Municipality.

INDEX

1. Definitions
2. Applications for Council's approval for advertising signs and hoardings
3. Withdrawal or amendment of Council's Approval
4. Exempt signs
5. Prohibited signs
6. Signs suspended under verandahs or canopies
7. Projecting Signs
8. Pylon Signs
9. Flag Signs
10. Signs flat on buildings
11. Requirements for sky signs
12. Screens for sky signs
13. Signs on buildings used for residential purposes
14. Signs on awnings
15. Sun-blinds
16. Signs not to be fixed to verandah columns
17. Signs regarded as tenancy at will
18. Advertisements on banners or similar items
19. Painted advertisements
20. Temporary signs and advertising
21. Encroaching signs
22. Bill Boards
23. Transit signs
24. Posters
25. Sandwich boards
26. Fixing of Signs and Hoardings
27. Design requirements for Signs

28. Materials for signs, advertising hoarding, screens and supporting structures
29. Sign requiring electricity with power cables and conduits
30. Erection and maintenance of signs and advertising hoardings
31. National Building Regulations
32. Charges
33. Damage to Council property
34. Entry and inspection
35. Offences
36. Presumptions
37. Removal of advertising signs or hoardings
38. Serving of notices
39. Appeals
40. Repeal of by-laws

DEFINITIONS

1. (1) In the interpretation of these bylaws, the following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur:

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

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

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

Advertising structure means any physical structure built to display advertising.

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

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

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

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

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

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

Banner sign is a temporary or permanent sign painted or embossed on flexible material suspended by ropes or other means.

Billboard means any screen or board which is free standing and is larger than 4.5 M² in total area, which is supported by or consists of, a structure used or intended to be used for the purpose of posting, displaying or exhibiting any advertisement.

Building means any structure whatsoever with or without walls, having a roof or canopy and a normal means of ingress and egress thereunder, covering an area in excess of 5m² and having an internal height of more than 1.700m.

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

Charge means the appropriate monetary charge determined by the Council.

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

Cluster sign means a number of signs, all of the same size, erected symmetrically on one or more standards or pylons.

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

Combustible means will burn or ignite at or below a temperature of 750 °C when tested for combustibility in accordance with British Standard 476: 1932: Definitions of fire-resistance, incombustibility and non-inflammability of building materials and structures (including methods of test).

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

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

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

Curtilage means the whole area of ground within the boundaries of a lot or subdivision.

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

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

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

Display of a sign shall include the erection of any structure if such structure is intended solely or primarily for the support of a sign, as well as meaning displayed within public view.

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

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

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

Event is an occurrence which is not of a repetitive nature.

Flag means a piece of cloth (or similar material) upon which an advertisement is displayed which is attached to a single rope, pole or flagstaff 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 advertisement in addition to the design of the flag or flagstaff; and
- (b) flags carried as part of a procession.

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

Flat sign means any sign which is affixed to or painted directly on a main wall and which at no point projects more than 225mm in front of the surface of such wall.

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

Ground sign means any sign detached from a building, other than an aerial sign, hoarding, billboard or advertising structure. Illuminated means the installation of electrical equipment on an outdoor structure for illumination of the copy message at night.

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

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

Lawfully displayed means displayed within the public view in accordance with the bylaws applicable at the time of the erection of the sign.

Leaflet means any poster, bill, pamphlet or the like that is distributed by hand on any council owned land or municipally controlled area.

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

Mobile sign means a sign mounted on a vehicle or trailer and used specifically for advertising purposes;

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

Municipality means the area of jurisdiction of the Umdoni Municipality.

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

On-show sign means a temporary sign erected to indicate that a property is on view for sale.

Person includes both natural and juristic persons.

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

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

Projecting sign means a sign, whether stationary or actuated, attached to and protruding from the facade of a building and at some point projects more than 225mm from the surface of such a facade.

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

Public street means a public street as defined in subsection (1) of section 1 of the Local Authorities Ordinance, 1974 (Ordinance No. 25 of 1974).

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

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

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

Rotating sign means a sign which rotates about any axis.

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

Sandwich board is a portable, double-sided, free-standing, vertically splayed sign standing on the ground or carried by a person or vehicle;

Shelter displays means posters positioned as an integral part of a free-standing covered structure.

Sign means any signboard, structure or device whatever, used or intended or adapted for the display thereon of an advertisement painted, written, printed or otherwise affixed directly onto any part of a building, structure, fence, wall, gate, sunblind, or the like or, if positioned within a public street, any litter bins, seat or other fixtures.

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

Sky sign means any sign on the roof of a building that does not protrude beyond the apex of the roof, not being that portion of a roof which is the roof of a verandah or balcony; or any sign on the top of the parapet of a roof not being the parapet of a roof of a verandah or balcony, but does not include an advertisement painted on the roof of a building.

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

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

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

Street line means the boundary of a public street;

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

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

Third-party advertising means any advertising which does not pertain to a business or activity that exists or takes place upon the erf or site upon which it is displayed.

Town Engineer and Municipal Manager mean the officers, or their deputies, for the time of being in office under the Council of the Umdoni Municipality.

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

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

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

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

(2) For the purpose of the application of the measurements, dimensions or areas specified in these bylaws in relation to signs, the same shall be applied to the sign as a whole, inclusive of any space between letters, words, figures, symbols, pictures, drawings and the like appearing thereon, and also any space between the perimeter of the sign and the actual advertisement appearing thereon.

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

(1) No person shall display or erect any advertising sign or hoarding or use any advertising sign or hoarding or use any structure or device as an advertising sign or hoarding without first having obtained the written approval of the Council;

provided that the provisions of this Clause shall not apply to signs contemplated in Clause 4,

(2) No sign erected displayed with the approval of the Council shall in any way be altered, moved, re-erected nor shall any alteration be made to the electrical wiring system of such sign except for the purposes of

renovating or maintenance, without the further approval of the Council in terms of sub-clause (1).

- (3) (a) An application in terms of sub-clause 1, accompanied by the required application fee, specified in the tariff of charges, as determined by Council, shall be signed by the owner of the proposed advertising sign or hoarding and by the registered owner of the land or building on which the sign or advertising hoarding is to be erected or displayed, or on behalf of the owner of the land or building by his agent authorised in writing by such owner and shall be accompanied by:
- (i) a locality plan indicating the anticipated position of the sign within the area of the Umdoni Municipality. The Council may require the locality for signs in excess of 10 square metres to be indicated and described by an accurate G.P.S. reading or an acceptable alternative,
 - (ii) a block plan of the site on which the advertising sign or hoarding is to be erected or displayed, drawn to a scale of not less than 1:500 showing every building on the site and the position with dimensions of the sign or advertising hoarding in relation to the boundaries of the site and the location of the streets and buildings on properties abutting the site,
 - (iii) a drawing sufficient to enable the Council to consider the appearance of the advertising sign or hoarding and all relevant construction detail;
 - (iv) a drawing showing the advertising sign or hoarding in relation to other similar type signage in the area in which it will be erected.
- (b) Every such plan and drawing shall be clearly reproduced on an approved material in sheet form not less than A4 size (210mm x 297mm); and
- (c) A drawing required in terms of paragraph (a)(iii) shall show all details of the sign and shall be drawn to a scale of not less than 1:20 or other scale acceptable by Council.
- (d) The Council may require additional information in relation to the land on which the sign is to be erected, its use and impact.
- (4) If a sign is to be attached to or displayed on the facade of a building, the Council may require the submission of an additional drawing showing an elevation of the building in colour, the details and position of the proposed sign and the details and the position of every existing sign on the building drawn to a scale of not less than 1:100, or the Council may require a coloured print of or an artist's photographic or computer generated impression of the building with the details of the proposed sign superimposed on such graphic and draw as nearly as is practicable to the same scale as that of the graphic.
- (5) The Council may require the submission of additional drawings, calculations and other information and a certificate by a person defined in Clause 1 of the Engineering Profession of South Africa 1990 (Act No. 114 of, 1990) as a certified engineer, engineering technician, professional engineer or professional technologist (engineering), in each

case giving details to the Council's satisfaction, to enable it to establish the adequacy of the proposed means of securing, fixing or supporting any advertising sign, hoarding or screen referred to in Clause 12, to resist all loads and forces to which the advertising sign, hoarding or screen may be exposed and the sufficiency of the margin of safety against failure, in compliance with the provisions of Regulation B1 of the National Building Regulations published under Government Gazette No. 9613, dated 1 March 1985.

- (6) In considering an application submitted in terms of sub-clause (1), the Council may, in addition to any other relevant factors, have due regard to the following:
- (a) No advertising sign or hoarding or copy should be so designed or displayed that:
 - (i) it will be detrimental to the environment or to the amenity of the neighbourhood by reason of size, intensity of illumination, quality of design or materials or for any other reason;
 - (ii) it will constitute a danger to any person or property;
 - (iii) it will display any material which in the opinion of the Council is indecent, suggestive of indecency, prejudicial to public morals or objectionable;
 - (iv) it will obliterate any other signs;
 - (v) it will in the opinion of the Council be unsightly or detrimentally impact upon a sound architectural design;
 - (vi) it will in any way impair the visibility of any road Traffic sign or affect the safety of motorists or pedestrians,
 - (b) The size and location of a proposed advertising sign or hoarding and its alignment in relation to any existing advertising sign or hoarding or the same building or erf and its compatibility with the visual character of the area surrounding it.
 - (c) The number of signs displayed or to be displayed on the erf concerned and its legibility in the circumstances in which it is seen;
 - (d) The sign, if not appropriate to the type of activity on or zoning of the erf or site to which it pertains should be considered on its merits in terms of the SOUTH AFRICAN MANUAL FOR OUTDOOR ADVERTISING CONTROL (S.A.M.O.A.C.) guidelines.
- (7) The Council, may refuse any application submitted in terms of sub-clause (1) or grant its approval subject to any amendment and/or condition which it may deem expedient, including a condition that the owner of any advertising sign or hoarding or the owner of the land or building on which such advertising sign or hoarding is to be erected and displayed, or both such owners, indemnify the Council to its satisfaction against any consequences flowing from the erection, display or mere presence of such advertising sign or hoarding.

- (8) The Council shall without delay and in writing notify the applicant, an objector or any person who has made representations, of its decision taken by virtue of subclause (7).
- (9) Every application, plan, drawing and other document submitted in terms of this Clause shall on approval be retained by the Council for its records.
- (10) Any sign or advertising hoarding for which approval has been granted in terms of sub-clause (7), shall be erected and displayed in accordance with any plan, drawing or other document approved by the Council and any condition imposed in terms of that sub-clause; the Council shall be notified once any approved advertising sign or hoarding has been erected.
- (11) Notwithstanding anything contained in these By-laws, any advertising sign or hoarding which complies to the Council's satisfaction, with the considerations referred to in sub-clause (6)(a), may be approved by the Council.
- (12) Notwithstanding anything contained in these By-laws, these By-laws are to be applied to the Land Use Zones as set out in the enforceable Town Planning Scheme/Land Use Scheme for the area of jurisdiction of the Umdoni Municipality.
- (13) Advertising signs and hoardings approved in terms of Clause 2(7) will conform to the design requirements set out in Clause 26.

3. WITHDRAWAL OR AMENDMENT OF COUNCIL'S APPROVAL

- (1) The Council may, at any time, withdraw an approval granted in terms of Clause 2(7) or amend any condition or impose a further condition in respect of such approval, if in the opinion of the Council an advertising sign or hoarding:
 - (a) Will be or become detrimental to the environment or the amenity of the neighbourhood by reason of size, intensity of illumination, quality of design or materials or for any other reason;
 - (b) Will constitute or become a danger to any persons or property;
 - (c) Will obliterate other signs, natural features, architectural features or visual lines of civic or historical interest.
- (2) Should an approved advertising sign or hoarding not be erected within six (6) months from approval or within a time specified in the approval granted, the approval will lapse.
- (3) Should the information requested by the Council to process a signage application not be provided within a three month period from the date of the request, the application shall be regarded withdrawn and any fees paid in relation to the application be retained.

4. EXEMPT SIGNS

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

- (a) any sign displayed in an arcade;
- (b) any sign displayed inside a building;
- (c) any sign displayed on an approved advertising hoarding;
- (d) any sign advertising a current event in a cinema, theatre or other place of public entertainment, displayed in a fixture or building especially made for such display providing such bill, poster or the like does not exceed 0.6 Meters squared in area;
- (e) any sign not exceeding the sizes specified hereunder, which is displayed on a site where a building, swimming pool, tennis court, paving, fencing or garden landscaping or any other structure is in the course of being constructed, erected, carried out or altered and which describes the building or structure being erected or other work or activity being carried out, and which displays the names of the contractors or consultants concerned in such work or activity and identifies the branches of the industry or the professions represented by them, during the course of such construction, erection, carrying out of alterations as the case may be: Provided that only one such sign, or set of signs shall be permitted per street frontage of a site; and which is placed on or affixed to the building concerned or attached parallel on the boundary fence of the erf on which the building is situated. Such signs are to be removed within 21 days of the completion of the contract. Signage for ongoing maintenance contracts is not permitted;
 - (i) Project boards, 4.5m² and with a maximum erected height of 4m, giving the names of Architects, Consultants and Contractors;
 - (ii) Individual Contractors and Sub-Contractor's Board: 2m²;
- (f) a sign consisting of a 600mm x 450mm metal plate or board permitted in terms of Clause 13,
- (g) any sign in a locality wholly or mainly used for residential purposes, other than a brass plate or board not exceeding 600mm x 450mm in size, affixed indicating the name, address and telephone number of a security company contracted to protect the property, provided that only one sign per stand or subdivision shall be permitted and such sign shall be firmly affixed to the boundary wall, fence or gates on the street frontage;
- (h) one sign not exceeding 600mm x 450mm in size on each street boundary of an erf or portion of an erf which sign indicates the existence of a commercial security service, burglar alarm system etc.
- (i) Signs not exceeding 0,25 m² in area affixed to the wall of a building or erected within the boundary line indicating that the property can be leased and by whom it is maintained.

- (j) Flat signs indicating merely the name of the building, its occupier, and his profession or business, provided that it does not project above or beyond the walls of the building upon which it is displayed and be no greater than 4.5m² in area. Any flat sign exceeding 4,5 m² in area must be submitted for approval. In the event that there is more than one business being conducted from the building, the combined area of signs displayed may not be greater than 50% of the area of the wall of the building upon which they are displayed.
 - (k) Signs relating to the immediate sale of newspapers and the like displayed upon the premises from which said newspaper or the like is available for sale or distribution.
 - (l) Signs displayed upon a vehicle ordinarily in use as such.
 - (m) Signs affixed flat on any part of a building which display only the name, address and telephone number of the premises or the occupier or occupiers thereof, with or without a general description of the type of business lawfully conducted on such premises and the hours of attendance; provided that any such signs do not exceed 0,4 m² in area and do not project more than 75 mm from the surface on which they are affixed.
 - (n) Signs not exceeding 0,4 m² in area displayed within the curtilage of the premises to which they relate, which are designed solely for the direction of persons entering upon such premises and do not advertise any merchantable articles or goods.
 - (o) Signs displayed from the interiors of any building enclosed by walls, windows and doors.
 - (p) Signs which, on merit, are exempted by the Municipal Manager in consultation with the Planning and Building Plan Portfolio Committee of the Umdoni Municipality.
- (2) Any sign which does not comply with the provisions of these By-laws and which was lawfully displayed on the day immediately preceding the date of commencement of these By-laws shall be exempt from the requirements of these By-laws for a period of three years from the date of the commencement of these bylaws, if the sign in the opinion of the Council is properly maintained and is not altered, moved or re-erected as contemplated in Clause 2(2).
- (3) Road Traffic signs erected in terms of any Act of Parliament, Provincial Ordinance or By-law are exempt from the provisions of these By-laws.
- (4) Any sign erected as a specific requirement in terms of any By-law, Provincial Ordinance or Act of Parliament is exempt from these By-laws.
- (5) Any transit sign, which is mobile at all times and complies with all requirements of the Road Traffic Act is exempt from these By-laws.

5. PROHIBITED SIGNS

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

- (1) Any sign on or between the columns of a verandah or canopy beyond the street line.
- (2) (a) any sign which projects above or below any fascia, bearer, beam or balustrade of a street verandah or balcony;

(b) any luminous or illuminated sign which is fixed to any fascia, bearer, beam or balustrade of any splayed or rounded corner of a street verandah or balcony.
- (3) Any sign suspended across a street unless otherwise approved by Council.
- (4) Any sign on calico, paper mache, woven or similar material unless consisting of flexface within an approved advertising sign.
- (5) Any sign which may either obscure a road Traffic sign, be mistaken for with or interfere with the functioning of a road traffic sign.
- (6) Any sign which may obscure Traffic by restricting motorists' vision and lines of sight thus endangering motorists' safety.
- (7) Any sign which is indecent or suggestive of indecency, prejudicial to public morals or is reasonably objectionable.
- (8) Any sign which will obstruct any window or opening provided for the ventilation of a building or which obstructs any stairway or doorway or other means of exit from a building or which will prevent the movement of persons from one part of a roof to another part thereof.
- (9) Any animated or flashing sign the frequency of the animations or flashes or other intermittent alternations of which disturbs the residents or occupants of any building or is a source of nuisance to the public or impairs road traffic safety.
- (10) Any illuminated sign, the level of illumination of which unreasonably disturbs the residents or occupants of any building or is a source of nuisance to the public.
- (11) Any movable temporary or permanent sign other than those specifically provided for in these By-laws.
- (12) Any advertisement or sign other than an exempted sign, for which neither a permit nor approval has been obtained.
- (13) Posters, save as provided for within these bylaws.
- (14) Any sign or signs, the total area of which exceeds 4,5m², painted or fixed on a wall of a building not being a front wall of such building, unless specifically approved by the Umdoni Municipality.

- (15) Any sign painted on any fence or boundary wall, not being an approved sign or hoarding.
- (16) Any sign which does not comply with the requirements of or which is not permitted by these By-laws.
- (17) Any sign which may obstruct pedestrian or vehicular traffic.
- (18) Any form of flyposting on private or Council, property or assets.
- (19) Any transit advertising sign that is parked in public view irrespective of whether it is attached to a vehicle or not.
- (20) Any temporary sign for commercial or third-party advertising erected on Council land or land vested in the Council, unless by prior signed encroachment agreement or contract with the Council.
- (21) Any sign attached to a bridge or any other Council asset, unless by prior signed agreement or contract with the Council.
- (22) Any third party advertising sign on any property, whether privately or municipally owned or controlled, other than specifically approved by Council.
- (23) Any sign or poster attached to a Road Traffic Sign.
- (24) Banners, save as provided for within these bylaws.
- (25) Sky signs within any area of maximum control, or in areas of partial or minimal control that are placed within a predominantly residential area.
- (26) Any advertisement, poster or sign that is painted onto or attached in any manner to any tree, plant, rock or to any other natural feature.
- (27) Any leaflet as described by these bylaws.

6. SIGNS SUSPENDED UNDER VERANDAHS OR CANOPIES

The following signs and no others may be affixed to a verandah or canopy:

(a) Signs suspended below the roof of a verandah or canopy. Such sign shall-

- (i) be affixed at right angles to the street line;
- (ii) have a clear height of not less than 2,4 m measured to the lowest point of the sign;
- (iii) not exceed 750 mm in depth;
- (iv) not exceed 225 mm in thickness;
- (v) not exceed 2,5 m in length (measured at right angles to the street line).
- (vi) in the case of a swinging sign be supported by galvanized chain and/or "D" shackles exceeding 5 mm in thickness;

(b) Signs placed on top of the roof of a verandah or canopy only where such roof does not have a parapet wall, balustrade or railing. Such sign shall-

- (i) be constructed in a straight line;
 - (ii) not exceed 750 mm in depth;
 - (iii) not extend beyond the extremities of the verandah roof nor shall it project beyond the rear of any verandah roof gutter;
 - (iv) be set parallel to that end of the verandah which faces the street and as near thereto as the configuration of such verandah roof will permit;
 - (v) be so placed that the bottom of the sign rests directly on the verandah roof
- (c) Signs affixed flat onto, or painted on, the fascia of a verandah or a beam over the verandah column. Such sign shall- (i) not project in any part more than 100 mm from the surface to which it is affixed; (ii) not extend above or below or beyond any of the extremities of such fascia or beam; (iii) not exceed 750 mm in depth.
- (d) Signs affixed flat onto or painted on a parapet wall, balustrade or railing of a verandah or balcony. Such sign shall- (i) not project in any part more than 225 mm from the surface to which it is affixed; (ii) not extend above or below or beyond any of the extremities of such parapet wall, ballustrade or railing; (iii) not exceed more than 750 mm in depth.
- (e) Signs suspended or fixed between the columns of a verandah or canopy. Such signs shall- (i) be affixed either at right angles to or parallel to the street line; (ii) have a clear height of not less than 2,4 m measured to the lowest point of the sign; (iii) not exceed 750 mm in depth; (iv) not exceed 225 mm in thickness; and (v) not project past the near edge of the columns on each side.

7. PROJECTING SIGNS

- (1) No projecting sign shall-
- (a) be fixed otherwise than at right angles to the street line, that is to say, the axis of a projecting sign taken along the line of its projection shall be at right angles to the street line;
 - (b) be fixed at a clear height of less than 2,6 m measured to the lowest point of the sign;
 - (c) exceed 225 mm in thickness, provided that where a V-construction is employed for the faces thereof, the back of the sign facing the main wall may be more than 225 mm, but shall not exceed 600

- mm in thickness;
- (d) extend beyond the top of the main wall to which it is affixed;
 - (e) project in any part more than 1,8 m from the main wall to which it is affixed;
 - (f) exceed 2,5 m² in area on any one face thereof, provided that where the clear height of such projecting sign is more than 4,5 m, the said area of 2,5 m² may be increased by 0,5 m² for every 1,5 m by which the clear height exceeds 4,5 m up to a maximum of 5 m²
 - (g) be fixed otherwise than in a vertical plane.
- (2) Notwithstanding the provisions of sub-clause (1), larger projecting signs may be erected: Provided:
- (a) the owner of the building or the person for whom the sign is being erected shall make application for and assume at responsibility in connection with such sign, including maintenance, an annual inspection to satisfy himself regarding its safety and liability for all loss or damage caused to any person or property by reason of or in any way arising out of the erection, maintenance or existence of such sign;
 - (b) the design thereof shall be to the satisfaction of the Council, and it shall comply in all respects with these By-laws;
 - (c) such sign shall be fixed at right angles to the street and the front of the building upon which it is erected;
 - (d) such sign shall be constructed of metal framing and covered with metal sheeting and shall not exceed 300mm in depth from face to face,
 - (e) such sign shall not exceed a mass of 450kg or 675kg in the case of a sign consisting only of the name of a central public entertainment building;
 - (f) such sign shall not exceed 9m in height or 1.5m total projection from the building, or in the case of a sign consisting only of the name of a central public entertainment building, 14m in height and 1.8m in total projection from the building: Provided that this paragraph shall not apply to any sign which has been erected prior to the date of the publication hereof,
 - (g) the sign shall be supported, by at least four iron brackets properly fixed to the building, any two of which shall be capable of carrying the whole mass of the sign, together with wind pressure, against which pressure the sign shall be satisfactorily braced and stayed;
 - (h) upon receipt of a notification by the Council under the hand of the Building Control Officer that such sign is unsafe, it shall be removed forthwith by the applicant without any compensation by the Council whatsoever,

- (i) the owner of such sign shall sign a form declaring himself to accept, and be bound by, the above conditions.
- (j) Such sign shall not be allowed in areas that are predominantly of a residential nature or in areas of maximum control.

8. PYLON SIGNS

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

9. FLAG SIGNS

- (1) A flag may on a lot where there may or may not be buildings only be used for-
 - (i) Locality-bound advertising of functions or events conducted for religious, educational, social, welfare, animal welfare, sporting, civic or cultural purposes or functions or events relating to municipal, provincial or parliamentary elections or referenda;
 - (ii) Locality-bound advertisements displaying of the name, corporate symbol and nature of enterprises;
 - (iii) Streetscaping urban areas such as pedestrian malls and gateways;
 - (iv) Non-locality bound advertisements of campaigns supported by government.

- (2) A flag is not permitted in a natural area.
- (3) No one may display a flag larger than four and a half square meters in area.
- (4) A flag may not be attached in such a manner as to interfere with or constitute a danger to passing pedestrians or traffic.
- (5) A flag must be replaced every six (6) months or sooner upon the instruction of the Town Engineer should the flag have suffered degradation.
- (6) A flag must be attached to or supported by poles or other supports on the site or against the building where the function or event is to be held, or where the enterprise is located.
- (7) The amount of flags to be allowed per lot or building is to be determined by the Town Engineer in his sole discretion.

10. SIGNS FLAT ON BUILDINGS

- (1) The total area of any sign placed flat on the front wall of a building facing a street shall not exceed 20m² for every 1 5m of building frontage to the street which such sign faces and in no case be more than 50% of the area of the wall.
- (2) Signs placed flat on the wall of a building that do not exceed 4.5m² in area are exempt from any application provided that they do not contain any brand advertising.
- (3) All flat signs exceeding 4.5m² in area shall require Council approval prior to their erection.
- (4) The maximum projection of a sign referred to in sub-clause (1) over the footway or ground level shall be 75mm where such sign is less than 2,4m above the sidewalk or ground level immediately below such sign and 230mm where such sign is more than 2,4m above such footway or ground level
- (5) Signs placed flat on a wall of a building not being a wall contemplated in sub-clause (1), shall not exceed 20m² in total area, unless located in a commercial or industrial zone.
- (6) Notwithstanding the provisions of sub-clause (1) and (3), the Council may where it considers it desirable in the interests of the aesthetic appearance of the building/wall on which the sign is placed or of the neighbourhood of such building/wall, permit or require the dimensions of any such sign to be greater than those prescribed.

11. REQUIREMENTS FOR SKY SIGNS

- (1) Two or more sky signs placed one above the other, whether or not in the same vertical plane shall, for the purposes of, this Clause, be deemed to be one sign.
- (2) In areas of maximum or partial control every sky sign shall be set against a screen complying with the requirement of Clause 12.
- (3) No part of a sky sign shall protrude beyond, above or below the edge of the screen required in terms of sub-clause (2).
- (4) If the number of storeys contained in that part of a building which is directly below a sky sign as set out in column 1 of the following table, the maximum vertical dimension of such is required not to exceed the dimension specified opposite such number in column 2 of that table:

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

- (5) A skysign with dimensions other than the above table will be considered by Council on its merits.
- (6) No sky sign shall be affixed to any pitched roof, provided that in the case of a double pitched roof a sign may be positioned above the parallel to the ridge thereof.

12. SCREENS FOR SKY SIGNS

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

- (a) (i) Subject to the provisions of subparagraph (ii), every screen shall be so arranged and constructed as to form a continuous enclosure effectively concealing the frame and the structural components of the sky sign and the screen from view and, if the Council so requires, from adjacent or neighbouring properties,
 - (ii) if, in the opinion of the Council, the walls of any contiguous buildings are of such height and construction that they will effectively conceal and do not contain openings overlooking the frame and structural components referred to in subparagraph (i), the Council may, subject to any condition it deems expedient, relax the requirement of that subparagraph requiring the provision of a continuous enclosure;
- (b) unless the Council allows otherwise, no part of the screen shall protrude beyond the perimeter of the building on which it is constructed;

- (c) the gap between the bottom of the screen and that part of the building immediately below it shall not exceed 100mm;
- (d) the vertical dimension of every such screen shall not exceed one-and-one-half times the vertical dimension of the sky sign as contemplated in Clause 11(4): Provided that if the screen also encloses a lift motor room, tank or other structure on the roof of the building, the vertical dimension of the screen may be increased to the same height as such room, tank or structure;
- (e) if the material of which the screen is made has an open mesh or grid formation, the openings in such mesh or grid shall be uniform, the aggregate area of the openings shall not exceed 25% of the area of the screen and no dimension of any such opening shall exceed 100mm: Provided that the Council may allow the erection of a screen of louvre design if it will ensure the effective concealment as required in terms of paragraph (a)(i).

13. SIGNS ON BUILDINGS USED FOR RESIDENTIAL PURPOSES

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

14. SIGNS ON AWNINGS

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

15. SUN-BLINDS

- (1) All sun-blinds shall be so made and fixed as to be incapable of being lowered to within 2m of the footway or pavement.
- (2) Except at street intersections, sun-blinds shall only be placed parallel to the building line.
- (3) At street intersections, sun-blinds, both new and existing, shall be so placed that they shall not cause any interference with vehicular or pedestrian Traffic lights, street name plates or other notices for the guidance of the public.

16. SIGNS NOT TO BE FIXED TO VERANDAH COLUMNS

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

17. SIGNS REGARDED AS TENANCY AT WILL

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

18. ADVERTISEMENTS ON BANNERS OR SIMILAR ITEMS

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

determined by Council in respect of each advertisement to which the application relates.

- (4) The Council or its authorised agent may, without notice, remove and destroy any advertisement contemplated in sub-clause (1) which is displayed in contravention of this Clause.
- (5) Every person to whom permission has been granted in terms of sub-clause (1) shall ensure that the following requirements are complied with:
 - (a) not more than five advertisements shall be displayed in respect of one function or event and with no more than one advertisement per street front;
 - (b) every advertisement shall be attached to or suspended between poles or other supports, or flat against the boundary or main walls of the building on the site on which the function or event is to be held;
 - (c) every advertisement shall be so attached so as not to interfere with, or constitute a danger to passing vehicular or pedestrian traffic;
 - (d) no advertisement shall be displayed for more than 14 days before the date of the function or event advertised nor shall any such advertisement be permitted to remain in position for more than 48 hours after the conclusion of such function or event failing which the deposit lodged in terms of Clause 18.(3) shall be forfeited.
 - (e) every advertisement shall be constructed from durable PVC Fabric with metal ringed eyelets.
- (6) No banner approved in terms of this Clause may be larger than 4.5m².
- (7) After a third contravention in terms of Clause (1) above, the applicant concerned will lose the right to display banners for a period of twelve calendar months.

19. PAINTED ADVERTISEMENTS

- (1) Subject to the provisions of sub-clause (2), no sign shall be painted directly on to any building, canopy, column, boundary wall, post or structure, other than on the external or internal surface of a window.
- (2) Subject to the approval of the Council in terms of Clause 2, the name of any person or company carrying on business in a building may be painted directly on any approved wall of such building. Such approval is not required for signs smaller in area than 4.5m² that do not contain any brand advertising.
- (3) Subject to the approval of the Council in terms of Clause 2 murals with advertising painted directly onto any approved surface may be considered on merit.

20. TEMPORARY SIGNS AND ADVERTISING

(1) Signs relating to the letting or selling of property, complying with the following requirements, that may be displayed without the approval of the Council:

(a) any sign not exceeding 600mm x 450mm in size containing the words "sole mandate" in respect of any dwelling house or residential building and which in addition may display only the name, address and telephone number of the selling agent, and which is placed on or fixed to the building concerned, is attached parallel to a boundary fence of the erf on which the building is situated or is otherwise displayed within the boundaries of such erf. Such signs shall be limited to one sign per agent with a maximum of, one sign per erf and shall comply with the requirements of Annexure 1 (Council policy on the positioning of Temporary signs) of these bylaws;

(b) any sign not exceeding 600mm x 450mm in size, which containing the word "Sold" in respect of any dwelling house, or residential building, and which in addition may display only the name, address and telephone number of the selling agent, and which is placed on or fixed to the building concerned, is attached parallel to a boundary fence of the erf on which the building is situated or is otherwise displayed within the boundaries of such erf, and which:

(i) is displayed only after all signs referred to in paragraph (a) above and 2(a) below have been removed,

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

(iii) is displayed for a maximum of 60 days.

(iv) shall be limited to one sign per agent with a maximum of, one sign per erf.

(v) and shall comply with the requirements of Annexure 1 (Council policy on the positioning of Temporary signs) of these bylaws.

(c) any sign not exceeding 600mm x 450mm in size, displayed on a vacant residential erf and which displays only the words "Sole Mandate" and the name, address and telephone number of the owner or his agent, or only the word "Sold". Such signs shall be limited to one sign per agency with a maximum of one agency per erf.

(d) any sign not exceeding 600mm x 450mm in size containing the words "To let" in respect of any dwelling house or residential building, or office building or shop and which in addition may display only the name, address and telephone number of the letting agent, and which is placed on or fixed to the building concerned, is attached parallel to a boundary fence of the erf on which the building is

situated or is otherwise displayed within the boundaries of such erf. Such signs shall be limited to one sign per agent with a maximum of, one sign per erf;

(2) Signs relating to the selling of property, complying with the following requirements, may only be displayed with the approval of the Council:

(a) FOR SALE SIGN - any sign not exceeding 600mm x 450mm in size containing the words "for sale" in respect of any dwelling house or residential building and which in addition may display only the name, address and telephone number of the selling agent, and which is placed on or fixed to the building concerned, is attached parallel to a boundary fence of the erf on which the building is situated or is otherwise displayed within the boundaries of such erf. Such signs shall be limited to one sign per agent with a maximum of, one sign per erf and shall comply with the requirements of Annexure 1 (Council policy on the positioning of Temporary signs) of these bylaws.

(b) LARGE TEMPORARY SIGN - any sign exceeding 600mm x 450mm in area in respect of any dwelling house, residential building, proposed or existing development or vacant land, and which in addition may display only the name, address and telephone number of the selling agent, as well as the details of a proposed development, and which is placed on or fixed to the building concerned, is attached parallel to a boundary fence of the erf on which the building is situated or is otherwise displayed within the boundaries of such erf, and which:

(i) is displayed for a maximum of 180 consecutive days, unless otherwise authorised by Council.

(ii) shall be limited to one sign per road frontage per agent with a maximum of, four signs per erf in areas of partial or minimal control.

(iii) shall be limited to a maximum of two signs per erf in areas of maximum control.

(iv) shall comply with the requirements of Annexure 1 (Council policy on the positioning of Temporary Signs) of these bylaws.

(c) ON SHOW SIGN - any sign not exceeding 600mm x 450mm in size containing the words "on show" in respect of any dwelling house or residential building and which in addition may display only the name, address and telephone number of the selling agent, and which has an arrow clearly showing the direction the public is intended to take as well as complies with the requirements of Annexure 1 (Council policy on the positioning of Temporary signs) of these bylaws.

(3) Permission to erect temporary signs in terms of Clause 20.(a), 20.(b), 20.(c) or Clause 18. of these bylaws shall be applied for by completing an application form available from council or its authorised agent and paying the appropriate tariff as laid down in the

Council's tariff of charges. At the expiration of the permit's 90-day period, a fresh application must be made to the Council. No notice of the expiration of any permit issued in terms of these bylaws shall be given by the Council or its authorised agent.

- (4) Any banner not exceeding 4m² and not more than 3m above the ground, containing letters, figures, advertising emblems or devices, not exceeding 150mm in height, relating solely to an entertainment event or a sale to be held upon or in relation to a certain site, may be displayed without application in terms of Clause 2 upon such site: provided that such sign or banner shall not be displayed for more than one week before the function, event or sale, the date or day of which must be displayed on the sign or banner, nor remain in position for more than two days after the conclusion of the function, event or sale and in any case not longer than 30 days in any one calendar year.

Such a banner shall be displayed subject to the provisions of Clause 18.(4) and 18. (5)(a), 18.(5)(b) and 18.(5)(c) of these bylaws.

- (5) To consider at the Council's discretion temporary advertising on Council land or land vested in or controlled by the Council for a period not exceeding 30 days for special event signs.
- (6) The applicants deposit paid in terms of their application for signs in terms of signs in terms of Clause 20.(a), 20.(b), 20.(c) or Clause 18. of these bylaws will be forfeited by the applicant in favour of the Council or its duly appointed agent if the regulations are not complied with. A fresh application with accompanying deposit will then be required from the applicant.
- (7) After a third contravention in terms of (6) above, the applicant concerned will lose the right to display the applied for temporary signs for a period of twelve calendar months.
- (8) Any person who, after having obtained the approval of the Council for the display of any sign, displays such signs otherwise than in accordance with the approval given, shall be guilty of an offence.

21. ENCROACHING SIGNS

1. (1) No sign, which exists or extends beyond the street line shall remain, except during the pleasure of the Council. The Council may by written notice served on the person having possession or control of any such sign, require such person to remove such sign within a period of time specified in such notice, except where in the opinion of the Council the sign constitutes a potential source of danger to the public, or will or is likely to damage or interfere with any existing or proposed works of the Council or upon the public street, the Council shall have the right to remove such sign forthwith.

Any such person who fails to comply with such notice shall be guilty of an offence.

(2) The person having possession or control of any sign extending or existing beyond the street line, shall at all times indemnify the Council against all actions or claims which may be brought against it

by any person for loss, injury or maintenance, repair or removal of the sign, and shall also reimburse the Council in respect of all expenses incurred in defending any action or resisting any claim.

(3) The person having possession or control of any sign extending or existing beyond the street line shall pay to the Council the application and encroachment fee prescribed in the schedule of tariffs and charges.

(a) The above charges shall be payable to the Municipality or its duly appointed agents upon application in advance, and thereafter annually on the anniversary of the date of application for the time the sign is in place.

(b) No charge shall be payable unless the sign projects, or is more than 150 mm, beyond the street line.

(c) Where during the course of the period of twelve months referred to in paragraph (a) hereof, any sign is lawfully replaced by another sign, no additional charge in respect of that period if the replacement sign is in all respect the same as the original sign.

(d) Where any sign is removed whether voluntarily, or at the instance of the Council, no refund of any charges paid shall be made by the Council.

(e) The payment of any charges as herein provided shall not in any way prejudice or affect the provisions of paragraph (1) of this bylaw.

(4) The person having possession or control of any sign extending, or existing beyond the street line, shall when required in writing by the Town Engineer, enter into a written agreement with the Council in respect of such sign, undertaking the obligations contained in paragraphs (2) and (3) of this bylaw; provided that the absence of any such agreement shall in no way affect the provisions of these bylaws. Whenever any change occurs in the identity of the person having possession or control of any such sign, such change shall forthwith be notified to the Council in writing by the person formerly having such possession or control.

(5) Any person who charges rental for a sign placed beyond the street line or in any municipally controlled area, unless expressly authorised to do so by written agreement with Council, shall be guilty of an offence.

22. BILLBOARDS

- (1) Subject to approval in terms of this By-law, the erection and/or display of billboards is permitted. Such permission will be granted in terms of the provisions of these bylaws and any other Councils policy relating to the display of billboards within the Umdoni Municipality as determined from time to time.
- (2) Permission to erect billboard signs in terms of Clause 22.(1) of these bylaws shall be applied for by completing an application form

available from council or its authorised agent and paying the appropriate tariff as laid down in the Council's tariff of charges.

23. TRANSIT SIGNS

- (1) Transit advertising signs shall only, be permitted to be displayed if mobile at all times and comply with all requirements of Road Traffic legislation.
- (2) The parking of a transit advertising sign on Council or private property for the purposes of third-party advertising is prohibited.
- (3) Transit advertising signs parked on private property for the purpose of storage shall be positioned in such a manner as not to be visible from a street or public place.
- (4) Notwithstanding the provisions of sub-clauses (1), (2) and (3) or otherwise in contravention of these By-laws, the Council or its authorised agent may, without prior notice, carry out the removal and impoundment of such transit advertising sign.
- (5) A transit advertising sign impounded by the Council may be released in terms of Clause 33 (5)(a) within a period of 3 months of notification or such sign shall be disposed of by Council to defray any fines or removal costs involved.
- (6) A transit advertising sign impounded by the Council shall only be released after the removal cost and time are settled in full and a copy of the current license registration papers have been submitted for verification.

24. POSTERS

- (1) (a) No person shall in, or in view of, any street display or cause or allow it to be displayed any poster unless he has first obtained the written permission of the Council;
 - (b) Permission shall only be granted by Council for the display of any poster that relates to a specific meeting, function or event.
 - (c) A meeting, function or event that occurs 4 or more times during any calendar year shall be deemed to be of a repetitive nature. Permission may not be granted by Council in this case.
- (2) Every application for permission required in terms of sub-clause (1) shall be accompanied by an application fee or a deposit as determined by Council, and written details of the townships and streets in which the posters are to be displayed and all the posters to which the application relates: Provided that for National, Provincial or Municipal elections only one poster need be submitted and an application fee paid by each candidate as determined by Council. Provided that for National, Provincial or Municipal referendums only one poster need be submitted and an application fee paid by each registered political party as determined by Council.

- (a) every poster for which permission is granted in terms of sub-clause (1) shall be provided with a Council sticker and only posters with Umdoni Municipality stickers affixed shall be displayed,
 - (b) the Council shall be entitled to retain one such poster for identification purposes.
- (3) Any person who displays or causes or allows to be displayed in or in view of a street, a poster, for which permission has been granted in terms of sub-clause (1), shall ensure that the following requirements are complied with
- (a) no poster shall be so displayed that any part of it is lower than 2m above the sidewalk or ground level immediately below it;
 - (b) no poster displayed by any person shall be indecent, or suggestive of indecency, prejudicial to public morals or reasonably objectionable;
 - (c) no poster shall be displayed on motorways including on and off-ramps;
 - (d) every poster other than a parliamentary, provincial or municipal election or referendum poster shall measure 900mm high x 600mm wide; (A1 size) and be constructed of a correx (plasticized cardboard) material.
 - (e) every parliamentary, provincial or municipal election or referendum poster shall be attached to a board made of wood, hardboard, correx or other approved weatherproof material, in such a manner that it will not become wholly or partially dislodged by wind or rain, and neither the board nor poster shall exceed 900mm high x 600mm wide or be less than 600mm high x 450mm wide, and secured only to an electric light standard erected by the Council or the State in a street or public place: Provided that such board is secured to such light standard by means of stout string or plastic ties only (no securing material with a metal content is permitted);
 - (f) no poster relating to a meeting, function or event, other than a National, Provincial or Municipal election or referendum shall be displayed for longer than fourteen days before the date on which such meeting, function or event begins or longer than two days after the date on which it ends;
 - (g) no poster relating to a parliamentary, provincial or municipal election or to a specific candidate in such election or a poster relating to a referendum shall be displayed for longer than the period extending from the beginning of either the date, of nomination or the date of proclamation in the Government Gazette declaring that a referendum is to be held, as the case may be, to the end of the tenth day after the date of such election or referendum: Provided that posters not relating to a specific candidate may also be displayed for a period no longer than that extending from a date fourteen days prior to either nomination day or the date of proclamation in the Government Gazette declaring a referendum is to be held, as the case may be, to the end of the fifth day after the date of such election,

- (h) subject to the discretion of the Council, not more than 1000 posters shall be displayed at any one time in relation to any meeting, function or event, other than a National, Provincial or Municipal election or referendum or a meeting relating to an election or referendum, with a maximum of 100 posters per permit;
 - (i) in respect of each candidate not more than 500 posters or other advertisements shall be exhibited at any one time in any municipal ward or as otherwise directed by Council, in respect of a referendum not more than 2000 posters or other advertisements per registered political party shall be so exhibited in the municipal area of the Umdoni Municipality or otherwise directed by Council.
 - (j) the details of the event, the commencement and final date of the event and the venue with address where it is to be held must appear on the posters in clearly legible letters;
 - (k) the commercial content of the poster may not exceed 30% of the area of the poster nor may such commercial lettering be larger than the main lettering in the remainder of the poster;
 - (l) the posters may not have a display period of more than 14 consecutive days for any event advertised.
 - (m) the display of posters on any bridge or in sensitive areas identified by the Council, is prohibited.
 - (n) the display of auction posters shall only be within the area of jurisdiction of the Umdoni Municipality, duly authorised by the Sheriff of the Court, to a maximum of 40. The Case Number or Masters Reference Number must be displayed on the poster. A writ is to be produced on submission.
 - (o) the display of political posters not directly for the purposes of a National, Provincial or Municipal election or referendum, shall be regarded as advertising.
 - (p) Any advertisement relating to an election, meeting, function or event shall not be placed in such a manner that the content of separate advertisements when read in succession, forms a continuous relative legend.
- (4) The provisions of sub-clause (2) shall not apply in respect of a poster relating to an election, or a referendum, which:
- (a) is placed entirely inside private premises;
 - (b) is displayed in or on a motor vehicle;
 - (c) is displayed at the committee room clearly marked as such, of a candidate in an election, or (d) fixed to an advertising hoarding for which approval has been granted in terms of Clause 2.
- (5) Any poster which is displayed without permission or in contravention of this Clause may without notice be removed and destroyed by the Council or persons appointed by the Council. Any costs incurred by the

Council in the removal will be borne by the person who displayed the poster or caused, or allowed it to be displayed.

25. SANDWICH BOARDS

Subject to approval in terms of this By-law, the erection and/or display of sandwich boards is permitted within the curtilage of any property to which it relates. In addition;

- (1) Sandwich boards placed in the Road Reserve or in Public Open Space without the written permission of the Municipality are not permitted in terms of the By-Law.
- (2) The Municipality may summarily remove those sandwich boards placed without the Municipality's permission in the Road Reserve or Municipality-owned property. The Municipality will impound these signs. Owners can recover their property on payment of R100-00 to the Municipality which will be used to defray the cost of removal, storage and transportation.
- (3) The Municipality will consider applications to permit the placement, within the Road Reserve or on Municipality owned property of certain sandwich boards which comply with the following requirements:
 - (a) The sandwich board does not pose a hazard in terms of safety to the public and is, in this regard, of appropriate structure and size.
 - (b) The sandwich board does not obstruct or inconvenience the public either by its physical size or location,
 - (c) The sandwich board does not unfairly prejudice other traders.
 - (d) The sandwich board, or proposed number thereof does not detract from the amenity of the local streetscape or local environment.
 - (e) The sandwich board is solely to advertise the name of the business, goods and/or services for sale from the advertiser's premises,
 - (f) The maximum dimensions of the proposed loose portable sign shall be 1,20m (height) x 0.6m (width),
 - (g) The sandwich board shall be placed directly in front of the advertisers' premises, provided that the above criteria are met.
 - (h) A minimum clear footway width of 1,2 m adjacent to the sign must remain clear,

- (4) Approved sandwich board will be allocated to a demarcated area within the Road Reserve or on Municipal property where, during normal trading hours, applicants may then place the approved sandwich board. The said sandwich board must be removed outside of normal trading hours and stored away from public view.
- (5) The demarcated area for displaying the sandwich boards, will be leased to an applicant at the rate published by the Council in its schedule of tariffs and charges in advance for a maximum period of six (6) months.
- (6) Applicants will be, required to indemnify the Municipality against any claims for third parties that may arise, due to the placement of sandwich boards within the Road Reserve or on municipal property and shall take out third party insurance.
- (7) Notwithstanding the above the Municipality may cause the removal or impoundment of the sandwich board/s should the applicant contravene any of the above conditions,

26. FIXING OF SIGNS AND HOARDINGS

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

27. DESIGN REQUIREMENTS FOR SIGNS

Regulations for Clause 2(13)

- (1) Definitions "An item of information" on a sign means a syllable, an initial, a symbol or logo, an abbreviation, a group of numbers (e.g. a telephone number), a broken plane (i.e. more than one geometric shape or background area) and a graphic feature.
- (2) Design requirements
 - (a) No information sign may contain more than 10 items of information: Provided that in the case of establishments with long names, such names should not be counted as more than 4 items of information provided that they appear only once per street frontage and the lettering is of the same size, style, colour and typeface.

- (b) Lettering 70mm in height or less will not be counted as an item of information.
 - (c) Architectural letters less than 500mm in height and carved into the material of a building or attached securely to it are not counted as items of information: Provided that:
 - (i) the letters are not specially illuminated;
 - (i) the letters are not constructed of a shiny material;
 - (iii) the colour of the letters does not contrast sharply with that of the building's surface;
 - (ii) the letters do not exceed 50mm in thickness.
 - (3) Sign formats - Any sign requiring approval in terms of Clause 21 and which is required to conform to Clause 21(3) may be exempted from submitting further individual applications in instances where a prototype sign format was approved by the Council.
28. MATERIALS FOR SIGNS, ADVERTISING HOARDINGS, SCREENS AND SUPPORTING STRUCTURES
- (1) All iron or steel used in any advertising sign, hoarding or screen referred to in Clause 12 or as means of support for such sign, hoarding or screen shall be painted or otherwise effectively protected against corrosion.
 - (2) No water soluble adhesive tape or other similar material shall be used to display or secure any advertising sign elsewhere than on a hoarding or within a fixture referred to in Clause 4 (1) (d).
29. SIGNS REQUIRING ELECTRICITY WITH POWER CABLES AND CONDUITS
- (1) Every power cable and conduit containing electrical conductors for the operation of a sign shall be so positioned and fixed that it is not unsightly.
 - (2) No advertising sign or hoarding shall be connected to any electricity supply without the prior written permission of the relevant electricity supply authority. Such proof of permission shall be submitted if requested.
 - (3) All signs, including those signs referred to in clause 4, that require an electrical supply must be applied for in terms of Clause 2. (1).
30. ERECTION AND MAINTENANCE OF ADVERTISING SIGNS AND HOARDINGS
- (1) If, in the opinion of the Council, any advertising sign or hoarding is in a dangerous or unsafe condition or has been allowed to fall into a state of disrepair or interferes with the functioning of any road Traffic sign, the Council may serve a notice on an owner requiring him at his own cost, to remove the sign or hoarding or do other work specified in the notice within a period so specified.
 - (2) The Council may, if in its opinion an emergency exists, instead of serving notice in terms of sub-clause (1) or if such notice has not been complied with within the period specified therein, itself carry out the removal of a sign or advertising hoarding or do other work

which it may deem necessary and may recover the cost thereof from the owner referred to in sub-clause (1).

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

31. NATIONAL BUILDINGS REGULATIONS

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

32. CHARGES

- (1) Every person who applies to the Council for its approval or permission shall on making application pay to the Council the charge determined therefor and no application shall be considered until such charge has been paid.
- (2) The fines and penalties for offences in terms of Clause 34 are set out below: (a) upon conviction of an offence, the guilty party shall be liable to a fine not exceeding R15,000.00 or, in default of payments, to imprisonment for a period not exceeding 12 months, (b) in the case of a continuing offence, the guilty party shall be liable to a further fine not exceeding R1000.00 for every day during the continuance of such offence,
- (3) The cost involved for the removal of unauthorised posters by Council, which cost shall be recovered from the owner of such unauthorized poster(s), will be:
- (i) per poster (unpasted) R 100,00
 - (ii) per poster (pasted) R 500,00
 - (iii) per poster (flyposter) R1 000,00
 - (iv) Saturdays relevant charge plus 50%
 - (v) Sundays relevant charge plus 100%
- (4) Spot fines to a maximum of R5000.00 may be served by duly authorised officials of the Council on offenders for any contravention or failure to comply with the terms of these By-laws.
- (5) Any signs or advertising boards which have been removed and impounded but not destroyed by the Council as a result of them not complying with these By laws may be released to the original owner at the following rates:
- (a) transit advertising signs may be released at the cost of removal with a minimum fee of R500.00 plus R100.00 per square metre of advertising display or part thereof,

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

33. DAMAGE TO COUNCIL PROPERTY

- (1) No person shall intentionally or negligently, in the course of erecting or removing any sign, advertising hoarding, poster or banner cause damage to any tree, electric standard or service or other Council installation or property.
- (2) The costs for any repairs necessary will be for the account of persons in terms of Clause 36.

34. ENTRY AND INSPECTION

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

35. OFFENCES

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 to him in terms of these By-laws;
- (c) contravenes or fails to comply with any condition 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 or imprisonment as set out in Clause 31(2)(a), and in the case of a continuing offence to a fine, as set out in Clause 31(2)(b), for every day during the continuation of such offence after a written notice has been issued by the Council requiring discontinuance of such offence, and for a second or subsequent offence he shall be liable on conviction to a fine or imprisonment as set out in Clause 31(1)(a).

36. PRESUMPTIONS

If any person is charged with an offence referred to in Clause 34 relating to any design, advertising hoarding or poster:

- (a) it shall be deemed that he either displayed such advertising sign, hoarding or poster or caused or allowed it to be displayed;
- (b) the owner of any land or building on which any advertising sign, hoarding or poster was displayed, shall be deemed to having

displayed such advertising sign-, hoarding or poster or caused or allowed it to be displayed;

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

37. REMOVAL OF ADVERTISING SIGNS OR HOARDINGS

- (1) If any advertising sign or hoarding is displayed so that in the opinion of the Council it is detrimental to the environment or to the amenities of the neighbourhood, or otherwise in contravention of these Bylaws, the Council may request or serve a notice on the owner of the advertising sign or hoarding to remove such advertising sign or hoarding or carry out such alteration thereto or do such work as may be specified in such request or notice within a time specified.
- (2) If a person fails to comply with a confirmed request or a notice referred to in sub clause (1), the Council or its duly authorised agent may, without further notice or obtaining a Court Order, remove or cause to be removed, such an advertising sign or hoarding.
- (3) The Council shall in removing a transit sign, advertising sign or hoarding contemplated in sub-clause (1) not be required to compensate any person in respect of such advertising sign or hoarding, in any way of loss or damage resulting from its removal.
- (4) Any costs incurred by the Council in removing a transit sign, advertising sign or hoarding, in terms of sub-clause (2) or in doing alterations or other works in terms of this Clause may be recovered from the person on whom the notice contemplated in sub-clause (1) was served, or if a deposit has been paid in respect of such advertising sign or the costs may be deducted from the deposit
- (5) Notwithstanding the provisions of sub-clauses (1), (2), (3) and (4) if an advertising sign or hoarding: (a) constitutes a danger to life or property; (b) is obscene, (c) is in contravention of these by-laws and is erected on, attached to or displayed on any property of, or under the control of the Council; the Council may, without serving any notice or obtaining a Court Order, remove or cause to be removed any such advertising sign or hoarding.

38. SERVING OF NOTICES

Where any notice or other document is required by these By laws to be served on any person, it shall be deemed to have been properly served if served personally on him or any member of his household apparently over the age of sixteen years at his place of residence or on any person employed by him at his place of business, or if sent by registered post to such person's

residential or business address as it appears in the records of the Council, or if such person is a company or closed corporation or a trust, if served on any person employed by that company, closed corporation or a trust, if served on any person employed by that company, closed corporation or trust at its registered office or sent by registered post to such office. Any verbal request for action to be taken in terms of these By-laws shall be confirmed in writing.

39. APPEALS

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

40. REPEAL OF BY-LAWS

- (1) M.N 84 of 1999 Pennington Signs Bylaws are hereby repealed.
- (2) Anything done under or in terms of any provision of the By-laws repealed by sub clause (1) shall be deemed to have been done under the corresponding provisions of these By-laws and such repeal shall not affect the validity of anything done under the By-laws so repealed.
- (3) Such signs remaining valid in terms of sub-clause (2) shall remain valid for a period of three (3) years after which should it not comply with the terms of these bylaws shall be deemed illegal in terms of these bylaws.
- (4) Any application lodged in terms of the By-laws repealed in terms of sub-clause (1) and pending before the Council at the commencement of these By-laws, shall be dealt with in terms of these By-laws.

No. 26

10 kuMfumfu 2007

**ISAZISO SIKAMASIPALA
2006**

Umasipala wase-Mdoni, ulandela isigaba 156(2) soMthethosisekelo wase Ningizimu Afrika, ka 1996(umthetho 108 ka 1996), kanye nesigaba 13(a) somthetho wokuPhathwa koMasipala, umthetho 32 ka 2000 ufundwa nesigaba 7 (6) sokuPhathwa koHulumeni baseKhaya ka 1998, usunqume imithetho yedolobha elandelayo kusukela ngomhlaka 1 Okthoba 2001. Lemithetho iyoqala ukusebenza ngosuku eyosakazwa ngalo.

DD NAIDOO
UMPHATHI-DOLOBHA

UMASIPALA WASE-MDONI

IMITHETHO YEDOLOBHA EMAYELANA NEZIKHANGISO

Ngenxa yokuthi umphakathi owakhele umasipala wase-Hibiscus Coast uzimisele ukuqinisekisa ukuthi:

1. izimpawu noma izikhangiso ezibekwayo aziyona ingozi emphakathini ngokuthi zivimbe noma zimboze izimpawu zomgwaqo, noma zenze kungabonakali kahle emgwaqweni;
2. izimpawu noma izikhangiso zibekwe endaweni efanele futhi ebukekayo, lapho zingabangi khona imfuhlufuhlu;
3. njengoba indawo iheha kakhulu abavakashi, izimpawu zihambisane futhi zisebenziseke kulabo abahambele indawo ngendlela efanelekile nendawo ezifakwe kuyo;

Nangenxa yokuthi osomabhizinisi banenxa ekukhangiseni amabhizinisi abo ngendlela eyiyo;

Nangenxa yokuthi kuwumsebenzi womkhandlu wase-Mdoni ukubhekela zonke izidingo ezahlukene ngendlela efanele nenokulingana;

Nangokuthi lemithetho yedolobha iyaqhubeka nokubophezela abantu ngaphansi kwemiqathango ebekwe umthetho weZokukhangisa eMigwaqweni ka 1940, imithetho yokuhleleka kwamadolobha angaphansi kukamasipala uMdoni, kanye nomthetho weZemigwaqo KwaZulu-Natal ka 2001;

Imithetho yedolobha elandelayo kuvunyelwana ngayo njengaleyo ezongamela ukukhangisa nokufakwa kwamabhodi akhangisayo ngaphansi komkhandlu wase-Mdoni.

IZIHLOKO

1. Izincazelo
2. Ukufakwa kwezicelo zokukhangisa nokubeka izingqwembe ezikhangisayo emkhandlwini.
3. Ukuhoxiswa noma ukuchibiyela imvume ekhishwe umkhandlu.
4. Izimpawu ezingangeni ngaphansi kwalemithetho
5. Izimpawu ezingavunyelwe
6. Izimpawu ezixhunywe phansi kwemipheme noma ovelanda
7. Izikhangiso ezilengiswayo
8. Izikhangiso ezilengiswe kuma-pylon
9. Izikhangiso ezifakwe kuma-flag
10. Izikhangiso ezinamatheliswe kumabhilidi
11. Izidingo ezimayelana nezikhangiso ezindiziswa emoyeni
12. Izingqwembe ezithwala izikhangiso zasemoyeni
13. Izikhangiso ezibekwe ezakhiweni ezihlala abantu
14. Izikhangiso ezixhunywe othangweni
15. Izihenqo ezivimbela ilanga
16. Izikhangiso okungavunyelwe ukuba zibekwe kovelanda
17. Izikhangiso ezithathwa njengeziqashisiwe
18. Izikhangiso ezibhalwe kwindwangu noma okufanayo
19. Izikhangiso ezipendiwe
20. Izikhangiso zesikhashana
21. Izikhangiso ezigamanxile
22. Ama-billboard
23. Izikhangiso ezithuthwayo
24. Izingqwembe (posters)
25. Amabhodi ayizingqwembe ezibhangqiwe
26. Ukuxhunywa kwezikhangiso

27. Imithetho elawula ukudwetshwa kwezikhangiso
28. Izinto ezisetshenziswa ukubhala izimpawu, izikhangiso, izihenqo kanye nokunye okusekelayo
29. Izikhangiso ezisebenzisa ugesi
30. Ukwakhiwa nokunakekelwa kwezimpawu zokukhangisa
31. Imithetho engamele ezokwakha kuzwelonke
32. Izimali ezikhokhwayo
33. Ukucekelwa phansi kwempahla yomkhandlu
34. Uhlelo lokungena nokuzohlola indawo
35. Ukwephulwa komthetho
36. Izisekelo
37. Ukukhishwa kwezikhangiso
38. Ukuthunyelwa kwezaziso
39. Izikhalazo
40. Ukuchithwa kwemithetho yedolobha

IZINCAZELO

Lapho kuhunyushwa lemitheho yedolobha, amagama noma izisho ezisetshenzisiwe ziyochaza lokho okubhalwe ngezansi, ngaphandle uma lokho kungahambisani nengqikithi yomusho wonke, noma kungahambisani nendlela asetshenzisiwe ngayo:

Ukukhangisa kusho ukusetshenziswa kwegama, uhlamvu, into noma uphawu okanye isifingqo segama noma sophawu noma into ethile; okanye ukukhanyisa okungenayo inhloso yokwexwayisa ngengozi, kodwa okubonakala emgwaqweni noma endaweni esetshenziswa umphakathi.

Isigxobo sokukhangisa kusho uthango, isihenqo noma iyiphi enye into ezosetshenziselwa ukubeka isikhangiso.

Isikhangiso kusho noma iyiphi into, isimiso esisetshenziswa ukukhangisa ngokwaso noma esisetshenziselwa ukubeka lokho okukhangiswayo, endaweni esetshenziswa umphakathi.

Isakhiwo sokukhangisa kusho into eyakhelwe ukubukisa lokho okukhangiswayo

Isikhangiso esisemoyeni kusho leso sikhangiso esixhune kwi-kite, i-balloon noma into efanayo, okwenza ukuba isikhangiso siphephezele emoyeni.

Ukuxhuma kusho ukubopha noma ukunamathisela, futhi kuhlenganisa nokupendelwe.

Okugunyazisiwe kusho okugunyaziswe unmkhandlu futhi “ukugunyaza” kuyosho into efanayo.

Iphasishi kusho indlela enompheme engekho ngaphansi komkhandlu, edabula phakathi nesakhiwo esisetshenziswa umphakathi ohamba ngezinyawo ngokukhululeka.

Izikhangiso ezikhanyayo “backlit units” kusho izakhiwo ezingamabhokisi ezakhelwe ukufaka ilambu noma enye into ekhanyisa ngaphakathi ebhokisini ukuze lokho okubhalwe entweni enguplastiki kubonakale kangcono ebusuku.

I-banner sign kusho isikhangiso okungaba esesikhashana noma esibekwe unomphela esipendelwe noma esigxivizelwe entweni ephephezelayo sabe sesiboshelwa ngentambo noma okunye.

Uqwembe lokukhangisa “billboard” kusho isihengo noma uqwembe olumbelwe phansi olubukhulu bungaphezu kuka 4m², bese lusekelwa into okuhloswe ukuba isetshenziselwe ukunamathisela, ukukhangisa noma ukubonisa noma isiphi isikhangiso.

Ibhilidi kusho noma isiphi isakhiwo okungenzeka sibe nezindonga noma singabi nazo, esinophahla noma umpheme, eseqile ku 5m² ububanzi kanye no 1.700m ubude bezindonga ngaphakathi.

Upheme usho into ezishaya saphahla elengela ngaphandle kwendlu noma kwebhilidi futhi esekelwe ngezinto ezingezona izigxobo.

Inhlawulo kusho imali enqunywe umkhandlu ukuba ikhokhwe.

Ubude obungukusuka phansi kusho umehluko phakathi kwechopho elingezansi kwisikhangiso kanye nomhlabathi, indlela noma umgwaqo

Izikhangiso eziyiqoqo kusho izikhangiso ezilinganayo ezakhelwe ndawonye phezu kwama-pylon.

Ikhophi (artwork) isho umlayezo okhangiswayo ophelele.

Okukhongekekayo kusho into engavutha lapho izinga lokushisa elihlolwa kulandelwa imithetho ye-British Standard 476: 1932 liba ngu 750oC noma ngaphansi.

Ukuhweba ngokukhangisa kusho amagama, izinombolo, izimpawu nezithombe ezichaza ibhizinisi, indawo yokuhweba, umuntu noma ulwazi okanye isincomo esithize esimayelana nezinto noma izidingo ezithengiswayo.

Umkhandlu usho yonke imikhandlu kamasipala uMdoni, noma umsebenzi oqashwe umasipala okanye ikomiti eliqhuba imisebenzi yalo emayelana nalemithetho yedolobha phansi kwegunya eliphume kumkhandlu.

Isiza kusho ingaphakathi lonke ingaphakathi lemingcele yesiza noma umuzi.

Ukudepha kophawu kusho ibanga elimaphakathi kwechopho eliphezulu nelingasezansi kwisikhangiso.

Uphawu olukhombisa indlela lusho lolo phawu oluchaza indlela ngenhloso yokukhangisela abantu indawo noma umcimbi othize.

Ukukhangisa kuhlenganisa ukwakha into esekela umyalezo okhangiswayo kanye nokubukisa lokho okukhangisayo.

Isikhathi sokukhangisa kusho sonke isikhathi okukhangiswe umyalezo ngaso.

Ukhetho kusho ukhetho lohulumeni kazwelonke, wesifunda noma bendawo kanye nokhetho lokugcwalisa izikhala uma kunesidingo.

Isiza kusho noma imuphi umhlaba obhaliswe ngokusemthethweni.

Umcimbi uchaza into engenzeki njalo.

I-flag lichaza indwangu eboshelwe ngentambo, noma isigxobo, ekubhalwe kuyo into efundeka kuphela uma kuphepheza umoya. Ama-flags awahlanganisi-

(a) ama-flag esizwe angabhaliwe lutho olunye olukhangisayo, kanye

(b) nama-flags asuke ephethwe lapho kunemicimbi.

Isikhangiso esibhanyazayo sichaza uphawu, umyalezo noma umdwebo okhanyayo ubuye ucishe nokhanyiswe ngemibala engafani noma enokugqama okushiyanayo.

Isikhangiso esinamathelisiwe kusho lesi sikhango esinamathelisiwe noma esipendelwe odongeni, ubugqinsi baso obungadluli ku225mm njengoba sibekiwe odongeni.

Uqwembe (flyposter) kusho lolo olunamathelisiwe enamathelisiwe ngokuthile endaweni.

Isikhangiso esimbelwe phansi kusho lesi sikhango esinganamekiwe kwisakhiso simbe, ngaphandle kwalezo ezixhunywe phezulu, ezingamabhodi, noma iluphi olunye uhlobo lwesakhiwo okuhloswe ukuba sisetshenziselwe ukukhangisa. Ukukhanyisa kusho ukuxhunywa kukagesi ukuze isikhango sikhanye sikwazi ukufundeka ebusuku.

Isikhangiso esikhanyayo kusho isikhango esisebenziseka kuphela uma sikhanyisiwe.

Isikhangiso esifuthekayo kusho lesi sikhango esifundeka lapho sifuthwe ngomoya noma ngegesi.

Okukhangiswe ngokusemthethweni kusho lokho okukhangiswe kulandelwa imithetho yedolobha ebisebenza ngesikhathi kugxunyekwa isikhango.

Ipreshana lokukhangisa kusho noma iliphi iphepha, uqwembe noma incwajana esakezelwa umphakathi bukhoma endaweni engaphansi komkhandlu.

Udonga olungaphambili kusho noma iluphi udonga lwangaphandle nesakhiwo, ngaphandle kwalolo donga noma cingo olubiyele uvulanda noma isitubhu.

Isikhangiso esingumahamba nendlwana sisho lesi sikhango esikhanga ngokuthi sidonswe imoto

Isikhangiso esibekwe okwesikhashana sisho lesi okuhloswe ukuba sibuye sisuswe, kodwa asihlanganisi lezo zinto eziphumayo noma ezisusekayo esikhangisweni esibekwe unomphela.

Umasipala usho yonke indawo ephethwe ngemithetho elawula umkhandlu wase-Mdoni.

Inhlangano esebenza ngokungenzi nzuzo kusho nanoma iyiphi inhlangano eqhuba imisebenzi yomphakathi ngaphandle kwenhloso yokwenzela inhlangano noma amalunga ayo inzuzo, futhi ithule konke okufakazela lesi simo ngendlela egculisa umkhandlu.

Isaziso esikhangisa indlu sichaza lesi esikhombisa ukuthi indlu iyadayisa.

Umuntu uchaza umuntu ophilayo nenkampani esemthethweni.

Izingqwembe nezaziso kusho wonke amapheshana akhishwa ukwazisa umphakathi ngomhlangano, umcimbi noma into ethize, noma azisa ngokuqokwa komuntu othize ukuba angenele ukhetho lukahulumeni kuzwelonke, kwisifunda noma elohulumeni basekhaya, okanye uhlelo lwenhlolovo.

Isikhangiso esiboniswa esithombeni kusho lesi sikhangiso esiboniswa okwesithombe, ngaphandle kwalesi esisuke sikhangiselwa izibukeli lapho zibuka isithombe e-drive inn

Isikhangiso esilengayo sichaza lesi sikhangiso esinyakazayo noma esinganyakazi, esixhunywe odongeni, esilengelela ngaphandle kodonga ngamamilimitha angu-225.

Indawo yomphakathi kusho noma imuphi umgwaqo, iphasiji, ibhuloho, ibhuloho elingaphansi, indlela yabahamba ngezinyawo, indlela noma ingadi, ipaki kanye nayoma iyiphi indawo engaphansi komkhandlu.

Umgwaqo womphakathi kusho umgwaqo osetshenziswa umphakathi njengoba kuchaza umthetho obusa amadolobha ka 1974 (no. 25 ka 1974), ngaphansi kwesigatshana (1) sesigaba 1.

Isikhangiso esinamekwe kwi-pylon sign kuchaza lesi sikhangiso esinyakazayo noma esinamathela, esiphanyekwe noma esinamathiselwe kwisigxobo sikagesi noma okufana naso, ngaphandle kwalesi esixhunywe kwisakhiwo okanye ibhodi lokukhangisa.

Indawo esetshenziselwa izinhloso zokuhlala kuchaza ukusetshenziswa kwesakhiwo njengendawo yokuhlala, indawo eyakhele uchungechunge lwemizi, ihostela noma indawo yokuhlala ekhokhelwayo.

Uphawu lomgwaqo kusho lolo phawu oluchazwe kumthetho weZemigwaqo ka 1989 (umthetho 29), okuthi kanye nomthetho weZimpawu zoMgwaqo, uchaze imininingwane yokusebenzisa kwazo (Maduze ku 1996 kuzongena umthetho omusha weZemigwaqo esikhundleni somthetho no. 29).

Isikhangiso esijikajikayo kusho isikhangiso esinyakazela ngakunoma iluphi uhlangothi.

Isikhangiso esingumugqa okhanyayo kusho lesi sikhangiso esiwuhlobo olungumugqa, esibhanyazisa izingxenye ezahlukahlukeni kumugqa, kube sengathi kukhanya umugqa wonke.

Isikhangiso esiwuhlobo lwe-“sandwich board” ileso sikhangiso esiphathekayo, esiyizingqwembe ezimbili ezihlangeniswe phezulu ezinembhalo nhlangothi zombili, esidonswa ngenqola noma siphatheke ngesandla.

Isikhangiso esiseshelthini kusho lesi sikhangiso esiyingxenye yesakhiwo esinompheme, nesizimele qikelele.

Isikhangiso kusho noma iluphi uhlobo lwebhodi lokukhangisa, noma enye into esetshenziswa noma ekuhloswe ukuthi isetshenziselwe ukukhangisa into ebhaliwe, endiwe noma exhunywe kwisakhiwo, udonga, ucingo, isango noma uma ngabe kusemgwaqweni womphakathi, inamekwe kumgqomo kadoti, isihlalo noma okunye.

Isikhangiso esisesibhakabhakeni kusho leso sikhangiso esibekwe ophahleni kepha singafiki esicongweni sendlu, ngaphandle uma kuwuphahla olukuvelanda; noma isikhangiso esinamekwe odongeni oluzungeze uphahla, ngaphandle uma kungudonga oluzungeze uphahla kuvulanda, okungahlangisi isikhangiso esipendwe phezu kophahla lwendlu..

Indumezulu yesikhangiso kusho ibhodi lokukhangisa elikhulukazi, eliyisimanjemanje, nelikhanyiswayo.

Isitezi kusho isikhala phakathi kwamazinga amabili ngaphakathi kwesakhiwo; lapho kungekho mazinga ahlukane, isitezi siyokalwa ngokuphakama okungu 4,5m.

Umgwaqo uchaza noma iyiphi indlela evelayo kwipulani ledolobha, lepulazi noma imuphi omunye umhlaba omalungelo awo asezandleni zomkhandlu ukuba umphakathi uwusebenzise.

Ulayini womgwaqo uchaza umngcele womgwaqo womphakathi.

Izikhangiso zesikhashana zichaza lezo zimpawu nezikhangiso ezibekwe ukukhangisa umcimbi ozokwenzeka noma ukukhangisa okwesikhashana.

Isikhangiso sesikhashana sichaza isikhangiso esingagxunye kiwe ngenhloso yokusigcina unomphela kuleyondawo.

Ukukhangisela abanye kusho lezo zikhangiso ezingaqondene nebhizinisi noma nolocho okuqhubeka endaweni noma esizeni ekukhangiswe kuso.

Unjiniyela weDolobha noMphathi-Dolobha kuchaza abaphethe noma amasekela abo kulezo zikhundla kumasipala wase-Hibiscus Coast.

Ukukhangisa entweni ehambayo kusho zonke izikhangiso ezinamekwe ezinqoleni ezihambayo ezifana namatekisi, amabhasi, ama-trailer, izitimela, imikhumbi, njll.

I-“tri-vision” kusho isikhangiso esakhelwe ngendlela yokuthi sikhanya kubonakale imiyalezo emithathu engafani ngokulandelana ngendlela ehleliwe.

Uvelanda uchaza umpheme oxhunywe ophahleni lwendlu wabe ususekelwa ngezingodo.

Izikhangiso ezisemawindini kusho lezo zikhangiso ezipendelwe noma ezinamathiselwe engilazini yewindi unomphela.

(2) Lapho kukalwa izikhangiso kulandelwa lemithetho yedolobha, kuyobhekwa isikhangiso ngokupheleleyo, kuhlenganiswa nazo zonke izikhala phakathi kwemibhalo, amagama kanye nezithombe, kanye nesikhala esiphakathi konqenqema kanye nokubhalwe kwisikhangiso.

UKUFAKWA KWEZICELO ZEMVUME YOMKHANDLU UKUBEKA OKOKUKHANGISA

- (1) Akekho ovunyelwe ukuhlobisa noma abeke isikhangiso okanye ibhodi, noma asebenzise isikhangiso okanye ibhodi lokukhangisa nanoma iyiphi enye into esetshenziselwa ukukhangisa, ngaphandle kokuthola imvume yomkhandlu kuqala.

Imigomo ebekwe yilesigaba ayisebenzi kulezo zikhangiso ezichazwe kwisigatshana 4

- (2) Akuvunyelwe ukuba leso sikhangiso esibekwe ngemvume yomkhandlu sishintshwe, sisuswe, sakhiwe kabusha noma kushintshwe indlela okuxhunywe ngayo izintambo zikagesi, ngaphandle kokuthola enye imvume kumkhandlu njengokuyalela kwesigatshana (1)
- (3) (a) Isicelo esibhekwe kusigatshana (1) komele sihambisane nemali efanele njengoba kuqagule ohleni lwezinhlawulo ezinqunywe umkhandlu, sisayinwe yilowo ofisa ukubeka isikhangiso kanye nomnini womhlaba noma wendawo, okanye ommele ngokusemthethweni nokufakazeleka ngencwadi, bese sihlanganisa:
- (i) ipulani eliveza lapho kuhloswe ukuba kubekwe khona isikhangiso endaweni ephethwe umasipala wase-Mdoni. Lapho kwakhiwa izikhangiso ezingaphezulu kwamamitha ayisikwele ayi-10, umasipala kungenzeka ucele ukuba amapulani achazwe ngendlela ye-G.P.S. noma iluphi olunye uhlobo olufanele,
- (ii) umdwebo wepulani ochaza lapho kuzobekwa khona isikhangiso noma ibhodi lokukhangisa kanye nazo zonke ezinye izakhiwo ezakhiwe kuleyondawo, lidwetshwe ngesilinganiso esingu 1:5000, kanye nobubanzi besikhangiso uma kubhekwelela imingcele yendawo nemigwaqo nemizi eyakhelene naleso siza,
- (iii) umdwebo ongumfanekiso wesikhangiso ukuze umkhandlu ukwazi ukuhlaziya isikhangiso noma ibhodi elizobe lithwele isikhangiso kanye nako konke okunye okuthintekayo,
- (iv) umfanekiso oqhathanisa isikhangiso esihlongozwayo kanye nezinye ezifanayo endaweni esizokwakhelwa kuyo.

(b) Yonke imifanekiso namapulani kumele idwetshwe ephepheni elisemthethweni elibukhulu obungu A4 (210mm x 297mm) noma ngaphezulu; futhi

© Umfanekiso ochazwe kusigaba (a)(iii) kumele uqukathe yonke imininingwane ezovela kwisikhangiso ubuye udwetshwe ngesilinganiso esingu 1:20 noma esinye isilinganiso esamukeleke kumkhandlu.

(d) Kungenzeka umkhandlu ubuze eminye imininingwane mayelana nendlela ekusetshenziswa ngayo umhlaba ekuzokwakhelwa kuwo isikhangiso.

- (4) Uma ngabe isikhangiso sizonamatheliswa odongeni lesakhiwo, umkhandlu ungayalela ukuba kuthunyelwe eminye imidwebo edwetshwe ngemibala ngesilinganiso esingu 1:1000 noma ngaphezulu, ekhombisa ukuphakama kwaso; lapho kuzobekwa khona isikhangiso kanye nalapho kubekwe khona ezinye izingakhiso kuleyondawo, okanye udinge umfanekiso waleso sakhiwo odwetshwe ngesandla noma nge-khomputha okhombisa imininingwane yalapho kuzobe kubekwe khona isikhangiso, okufanele icishe ifane nesikhangiso uqobo

- (5) Kungenzeka umkhandlu ufise ukuba unjiniyela, njengoba echazwe kuSigatshana 1 semigomo ye-Engineering Profession of South Africa 1990 (umthetho 114, ka 1990), athumele eminye imidwebo, ulwazi oludingekayo kanye nesitifiketi ngaphezulu, okuqukethe imininingwane ephelele ukuze umkhandlu ukwazi ukuzenelisa ukuthi isikhangiso sizobe sinanyekwe ngendlela engamelana nazo zonke izinto ezingahle ziphazamise ukusebenza kwaso kanye nezindlela zokuqaphela ukuthi kungabi khona okungakhinyabeza ukusebenza kwaso njengoba kuyalela umthetho wezokwakha u-B1, esakazwe kwiphephandaba likaHulumeni elisakazwe ngo 1 March 1985.
- (6) Lapho kuhlaziywa isicelo esichazwe kwisigatshana (1), umkhandlu kungenzeka ubhekele nezinto ezilandelayo:
- (a) Akukho sikhangiso ekumele sidwetshwe noma sihlelwe ngendlela yokuthi:
- (i) siphazamisa ezemvelo noma asihambisni nendawo esibekwe kuyo ngenxa yobukhulu, indlela esikhanya ngayo noma indlela esakhiwe ngayo, okanye nanoma isiphi esinye isizathu;
 - (ii) singaba nobungozi kumuntu othize noma indawo thize;
 - (iii) sikhangisa into umkhandlu oyithatha njengaleyo engamukelekile emphakathini noma enokucwasa;
 - (iv) simboze ezinye izikhangiso;
 - (v) ngokombono womkhandlu singahle siphazamise indlela isakhiwo esakhiwe ngayo;
 - (vi) singaba nobungozi bokuthi izimpawu zomgwaqo zingabonakali noma sibe nomthelela ekutheni abashayela izimoto nabahamba ngezinyawo bangaphephi,
- (b) Ububanzi nendawo okuzobekwa khona isikhangiso, indlela esiqhathaniseka ngayo nezinye izikhangiso ezikhona endaweni kanye nendlela esihambisana ngayo nokubukeka kwendawo esakhelwe kuyo;
- (c) Inani lezikhangiso ezizobekwa kuleyondawo kanye nokuthi ngabe ziyafundeka nangaphansi kwalesosimo;
- (d) Uma ngabe isikhangiso esizokwakhiwa singahambisani nendlela ekusetshenziswa ngayo isiza esizokwakhelwa kuso, lesi sicelo kumele sibhekwe kulandelwa imigomo ye-South African Manual for Outdoor Advertising Control (S.A.M.O.A.C.)
- (7) Kungenzeka umkhandlu ungasemukeli isicelo esifakwe ngokwesigatshana (1), okanye usamukele ngaphansi kwemibandela ethize, kuhlenganisa nombandela wokuthi umnikazi wesikhangiso noma umninindawo lapho kuzobekwa khona isikhangiso, okanye bobabili, baqinisekise umasipala ukuthi ngeke abekwe icala lapho kukhona okonakala ngenxa yokwakha, ukukhangisa noma ukubakhona kwesikhangiso uqobo.
- (8) Umkhandlu uyokwazisa labo abathintekayo ngokushesha mayelana nesinqumo osithathile ngokwesigatshana (7)

- (9) Izicelo, amapulani kanye nayo yonke eminye imidwebo esiphasisiwe iyolondolozwa ngumasipala
- (10) Zonke izikhangiso namabhodi okukhangisa asephasisiwe kumele akhiwe futhi akhangiswe ngendlela echazwe kumapulani nemidwebo egunyaziswe umkhandlu; uma ngabe sesixhunyiwe isikhangiso, umkhandlu kuyomele waziswe.
- (11) Nakuba kungenzeka kuvele okunye kulemithetho yedolobha, umkhandlu ungemukela ugunyazise zonke izikhangiso ezenelisa imigomo ebekiwe.
- (12) Nakuba kungenzeka kuvele okunye kulemithetho yedolobha, iyosetshenziswa ngendlela ehambisana nemithetho yokusetshenziswa komhlaba ezindaweni ezingaphansi kukamasipala uMdoni.
- (13) Izikhangiso ezigunyaziswe ngokwesigatshana 2(7) kuyomele zihambisane nemigomo yezokwakha echazwe kusigaba 26.

3. UKUHOXISWA/UKUCHITSHIYELWA KWEMVUME EKHISHWE UMKHANDLU

- (1) Umkhandlu ungathatha isinqumo nanoma inini sokuhoxisa noma ukuchibiyela umbandela othize noma ubeke eminye imibandela ngaphezu kwekhona vele uma ngabe ubona ukuthi isikhangiso:
 - (a) sizoba isithikamezo endaweni esakhelwe kuyo ngenxa yobukhulu baso, indlela esikhanyiswe ngayo, indlela esakhiwe ngayo okanye izinto esakhiwe ngazo, kanye nanoma isiphi esinye isizathu;
 - (b) Sizoba ingozi kubantu noma impahla;
 - © sizositha ezinye izimpawu noma izikhangiso, izakhiwo noma izindawo ezinomdla emphakathini.
- (2) Uma kuphela izinyanga eziyisithupha noma isikhathi esinqunyiwe umsebenzi wokwakha ungaqalile emva kokukhishwa kwemvume, leyo mvume iyophela.
- (3) Uma kuze kuphela izinyanga ezintathu emva kokuba umkhandlu ucele imininingwane ethize mayelana nesicelo esifakiwe, leso sicelo siyothathwa njengesihoxisiwe, kuthi zonke izimali ebesezikhokhiwe zigodliwe.

4. IZIKHANGISO EZINGANGENI NGAPHANSI KWEMINYE YEMITHETHO

- (1) Izikhangiso ezingezansi azingeni ngaphansi kwemigomo ebekwe isigaba 2, kodwa kulindeleke ukuba zilandele imigomo ebekwe iyo yonke eminye imithetho yedolobha; izikhangiso ezchazwe ku (a) no (b) zona azingeni kuyo yonke imithetho:
 - (a) isikhangiso eskhangiswe ephasiji eliphakathi nezitolo;
 - (b) isikhangiso esibekwe ngaphakathi kwisakhiwo;
 - © inoma isiphi isikhangiso esinamekwe ebhodini lokukhangisa eligunyazisiwe;

- (d) nanoma isiphi isikhangiso esikhangisa umcimbi noma into eyenzeka ngaleyonkathi endaweni yokubukela isithombe, imidlalo yasesiteji okanye enye indawo yokungcebeleka esetshenziswa umphakathi uma ngabe leso sikhangiso sizofakwa entweni esakhelwe yona futhi singadluli ku 0/6m ubukhulu.
- (e) nanoma isiphi isikhangiso esibekwe lapho kwakhiwa khona ibhilidi, idamu lokuhlamba, indawo yokudlala ithenisi, kukhonkwa phansi, kufakwa ucingo lokubiyela noma kulungiswa ingadi okanye noma iyiphi into eyakhiwayo, esichaza umsebenzi owenziwayo nabantu abawungamele, esingeqi kububanzi obuchazwe ngezansi: Uma nje kuzobekwa isikhangiso esisodwa esibheke ngasemgwaqweni; futhi esinamatheliswe kuleyondawo eyakhiwayo okanye sibekwe maqondana nomngcele wesiza. Lezo zikhangiso kumele zisuswe esikhathini esiyizinsuku ezingama-21 emva kokuphuthulwa komsebenzi. Azivunyelwe izikhangiso ezikhangisa leyo misebenzi yokunakekela eyenziwa ngaso sonke isikhathi;
- (i) amabhodi akhangisa ama-project, achaza amagama abadwebi, ongoti kanye nezinkontileka, angububanzi obungamamitha ayisikwele angu 4,5 kanye nokuphakama okungu 4m.
- (ii) amabhodi akhangiswa izinkontileka kanye nezinkampani eziqashwe yizo, angamamitha ayisikwele angu 2 ububanzi.
- (f) isikhangiso esinamatheliswe kwibhodi lensimbi elingu 600mm X450mm ubukhulu njengoba kugunyaziswe kumushwana 13,
- (g) nanoma isiphi isikhangiso ngaphandle kwaleso esichazwe ngenhla, esikhangiswe endaweni esetshenziswa njengeyokuhlala, esichaza igama, ikheli kanye neminingwane mayelana nenkampani yezokuphepha eqashelwe ukuqapha umuzi, esingeqi ku 600mm X 450mm ngobukhulu, inqobo nje uma kuzofakwa isikhangiso esisodwa kuphela indlu ngayinye, ohlangothini olubheke emgwaqweni.
- (h) isikhangiso esisodwa esinamekwe emngeleni ohlukanisa imigwago noma iziza ezithize ochaza ubukhona benkampani eyenza umsebenzi wokuqapha noma olunye uhlelo olusetshenziselwa ukuqapha, uma leso sikhangiso singeqi ku 600mm X 450mm ubukhulu.
- (i) izikhangiso ezinamatheliswe odongeni noma ezakhelwe ngaphakathi emagcekeni esakhiwo ezingeqi ku 0,25 wamamitha ayisikwele, ezichaza ukuthi leyo ndawo iyaqashisa nokuthi inhlalakahle yayo ingamelwe ngubani.
- (j) izikhangiso ezinamatheliswe noma ezipendelwe odongeni ezichaza igama lesakhiwo, umhlali, nomsebenzi owenziwa umhlali lowo, uma ngabe leso sikhangiso singeke sikapakele ngaphezu kongenqema lodonga futhi singeqi ku 4,5 wamamitha ayisikwele ngobukhulu. Isikhangiso esikhulu kunalokho kumele sitholelwe imvume yomkhandlu. Uma ngabe kukhangiswa ngamabhezini amaningi, izikhangiso sezizonke akumele zeqe kwingxenye yodonga ezibekwe kulo.

- (k) izikhangiso ezichaza ukuthi kudayiswa amaphephandaba nokunye okufanayo kuleyondawo.
 - (l) izikhangiso ezixhunywe emotweni esetshenziselwa lomsebenzi.
 - (m) izikhangiso ezinamatheliswe odongeni ezibonisa igama, ikheli kanye nenombolo yocingo kuleyondawo, okungenzeka zichaze nohlobo lwebhizinisi elisemthethweni eliqhutshwa kuleyondawo kanye nezikhathi zokusebenza; kuphela nje uma izikhangiso zalolo hlobo zingeke zeqe ku 0,4 wamamitha ayisikwele ubukhulu, futhi zibe ugqinsi elungeqile ku 75mm.
 - (n) izikhangiso ezingeqi ku 0,4 wamamitha ayisikwele ezibekelwe ukukhombisa abantu indlela lapho bengena, futhi ezingakhangisi lutho oluthengekayo.
 - (o) izikhangiso ezinamekwe ezindongeni ezingaphakathi kwesakhiwo esinamafasitela neminyango.
 - (p) izikhangiso ezibonelelwe uMphathi-Dolobha ebambisene nekomidi elibhekele ukuhleleka nokuhlolwa kwamapulani kumasipala uMdoni.
- (2) Leso sikhangiso esasibekwe ngokusemthethweni ngaphambi kokuba kuqale ukusebenza kwalemithetho yedolobha, angeke singene ngaphansi kwayo nakuba kungenzeka siphule eminye yayo, kuphela nje uma kungekhoshintsho oluzokwenziwa, noma singeke siyiswe kwenye indawo okanye sakhiwe kabusha njengoba kuchazwe kumushwana 2(2).
 - (3) Izimpawu zomgwaqo ezakhiwe kulandelwa imithetho ephasiswe ephalamende noma kuhulumeni wesifunda, azingeni ngaphansi kwalemithetho.
 - (4) Nanoma isiphi isikhangiso esakhiwe kulandelwa imigomo yomthetho othize okhishwe umasipala, uhulumeni wesifunda noma iphalamende kuzwelonke neke singene ngaphansi kwalemithetho.
 - (5) Leso isikhangiso esithwalwa inqola ehambayo ngayo yonke inkathi futhi sibe sihambisana nayo yonke imigomo yomthetho olawula ezokuthutha, neke singene ngaphansi kwalemithetho

5. IZIKHANGISO EZINGAVUMELEKILE

Akekho onelungelo lokwakha noma abangele noma avumele ukuba kwakhiwe okanye kunakekelwe izikhangiso ezilandelayo:

- (1) Nanoma isiphi isikhangiso esibekwe kuvulanda noma umpheme ongale komngcele womgwaqo.
- (2) (a) nanomi isiphi isikhangiso esikapakele ngaphansi noma ngaphezulu kwezinsika ezisekele uvulanda osezansi noma oseitezi.

- (b) nanoma isiphi isikhangiso esikhanyayo esinamekwe odongeni noma ensikeni kavulanda obheke ngasemgwaqweni, uma ngabe loyo velaya uhlukana noma ungenawo amakhona acijile.
- (3) Nanoma isiphi isikhangiso esibekwe salengela maphakathi nomgwaqo, ngaphandle uma sigunyaziswe umkhandlu.
- (4) Nanoma isiphi isikhangiso esibhalwe kwindwangu eyiphepha noma elukiwe, ngaphandle uma ngabe lokho kungunyaziwe.
- (5) Nanoma isiphi isikhangiso esingasitha uphawu lomgwaqo, noma siphambaniswe nalo okanye siphazamise ukusebenza kwalo.
- (6) Nanoma isiphi isikhangiso esingabangela ukuba abashayeli bangaboni ngokwanele ngaleyondlela kubabeke engozini.
- (7) Nanoma isiphi isikhangiso esingahambisani nenqubo yomphakathi, noma esinokucwasa noma esingamukeleki emphakathini.
- (8) Nanoma isiphi isikhangiso esibekwe savimba intuba engenisa umoya noma umnyango wokuphuma kwisakhiwo noma ekungenzeka sithikameze ukuhamba kwabantu ophahleni.
- (9) Nanoma isiphi isikhangiso esibhanyazo okwenza lokho kuphazamise abahlali kuleyondawo noma umphakathi jikelele, okanye siphazamise ukuphepha kwezomgwaqo.
- (10) Nanoma isiphi isikhangiso esikhanya kangangoba ukukhanya kwaso kuphazamisa abahlali kuleyo ndawo noma umphakathi jikelele.
- (11) Nanoma isiphi isikhangiso esibekwe okwesikhashana esingaphandle kwalezo ezichazwe kulemithetho.
- (12) Nanoma isiphi isikhangiso noma uphawu okungatholelwanga imvume noma iguny, ngaphandle kwalezo ezingangeni ngaphansi kwalemithetho.
- (13) Ama-poster, ngaphandle kwalawo abalwe kulemithetho yedolobha.
- (14) Nanoma isiphi isikhangiso esinamekwe noma esipendelwe odongeni olungabhekile ngaphambili kwisakhiwo, ngaphandle uma kutholwe imvume kamasipala uMdoni.
- (15) Nanoma isiphi isikhangiso esipendelwe kucingo lokubiyela noma udonga elingumngcele, uma ngabe leso sikhangiso singagunyazisiwe.
- (16) Nanoma isiphi isikhangiso esingahambisani nemigomo equkethwe kwilemithetho yedolobha noma esingavunyelwe ngaphansi kwayo.
- (17) Nanoma isiphi isikhangiso ekungenzeka siphazamise ukuhamba kwabantu noma kwezimoto.
- (18) Nanoma iluphi uhlobo lwama –poster andizayo abekwe endaweni kamasipal, yomuntu ozimele, nezinye izinto nempahla.

- (19) Nanoma isiphi isikhangiso esidonswa ngenqola, siboshelwe kuyo noma singaboshelwe, uma sipakwe endaweni yomphakathi
- (20) Nanoma isiphi isikhangiso esikhangisa okuthengisayo esibekwe okwesikhashana endaweni engaphansi kukamasipala, ngaphandle uma kunesivumelwano esigukunyazayo ebesisayindiwe nomasipala ngaphambilini.
- (21) Nanoma isiphi isikhangiso esixhunywe ebhulohweni okanye indawo kamasipala, ngaphandle uma kunesivumelwano esikugunyazisayo ebesisayindwe nomasipala ngaphambilini.
- (22) Nanoma ikuphi ukukhangisa okwenziwa endaweni kamasipala noma yomuntu othize ozimele, kwenzelwa omunye umuntu, ngaphandle uma kutholakale imvume kamasipala.
- (23) Nanoma isiphi isikhangiso noma uphawu oluxhunywe kuphawu lomgwaqo.
- (24) Ama-banner, ngaphandle kwalawo agunyaziswe ngaphansi kwalemithetho yedolobha.
- (25) izikhangiso zasesibhakabhakeni ezikhangiswe endaweni engafanele, noma endaweni ekuhlala kakhulukazi umphakathi.
- (26) nanoma isiphi isikhangiso, uqwembe noma uphawu okunamatheliswe esihlahleni, kwisithombo, itshe okanye nanoma yini into eyimvelo.
- (27) Nanoma iliphi ipheshana lokukhangisa njengoba kuchazwe kulemithetho yedolobha.

6. IZIKHANGISO EZILENGISWE KOVELANDA

Izikhangiso ezilandelayo kuphela ezivunyelwe ukulengiswa kovelanda noma kumakhanophi:

(a) Izikhangiso ezilengiswe ngaphansi kophahla lukavelanda noma ikhanophi. Lezo zikhangiso kumele:

- (i) zibekwe zibheke ikhona lomgwaqo;
- (ii) kube nesikhala esingaphezu kwamamitha angu 2,4 phakathi kwaso nomhlaba, esikalwa kusuka kwichopho elisezansi.
- (iii) singeqi ku 750mm ukudepha
- (iv) singeqi ku 225mm ubukhulu;
- (v) singeqi ku 2,5 m ubude (okalwa maqondana nechopho lomgwaqo).
- (vi) uma ngabe isikhangiso siwuhlobo olulengayo siboshelwe ngeketanga elingeqi ku 5mm ubukhulu;

(b) Isikhangiso esibekwe phezu kophahla lovulande noma lamakhanophi, uma ngabe lolo phahla lungabiyiwe. Leso sikhangiso kumele:

- (i) sakhiwe siqonde

- (ii) singeqi ku 750mm ukudepha;
 - (iii) singakapakeli ngale kophahla lukavelanda futhi singeqi kwingemuva likagathasi kavulanda;
 - (iv) siqondane necala likavulanda elibheke emgwaqweni futhi sibe maduze kakhulu nawo;
 - (v) sibekwe izansi lesikhangiso lihlale phezu kophahla lukavelanda
- © Izikhangiso ezinamatheliswe noma ezipendelwe kudonga lwangaphambili kuvelanda. Leso sikhangiso kumele- (i) singaphakami ngaphezu kuku 100mm lapho sinamekwe khona; (ii) singakapakeli ngezansi noma ngaphezu kwalapho sinamathelwe khona; (ii) singeqi ku 750mm ukudepha.
- (d) Izikhangiso ezinamatheliswe noma ezipendelwe kudonga noma udonga lukavelanda noma isitubhu. Leso sikhangiso kumele- (i) singaphakami ngaphezu kuku 225mm lapho sinamekwe khona; (ii) singakapakeli ngezansi noma ngaphezu kwalapho sinamathelwe khona; (ii) singeqi ku 750mm ukudepha.
- (e) Izikhangiso ezilengiswe noma ezixhunywe phakathi kwezindonga zikavelanda okanye ikhanophi. Lezo zikhangiso kumele- (i) zixhunywe ziqondane noma zivundlele emgwaqweni; (ii) sishiye umhlaba ngesikhala esingu 2,4m noma ngaphezulu; (iii) singeqi ku 750mm ukudepha; (iv) singeqi ku 225mm ubukhulu; futhi (v) singakapakeli ngale kwingemuva lezindonga esinamatheliswe kuzo.

7. IZIKHANGISO EZILENGISWAYO

- (1) Asikho isikhangiso esilengiswayo esiyo-
- (a) xhunywa ngenye indlela ngaphandle kokuba sivundlele umgwaqo;
 - (b) shiya umhlaba ngaphansi kwesikhala esingu 2,6m uma kusuka ezansini laso;
 - © kweqa ku 225mm ngokudepha, ngaphandle uma kusetshenziswe uhlobo lwe-“V-construction” lapho kulindeleke ukuthi ukudepha kungeqi ku 600mm;
 - (d) kapakela ngale kodonga esixhunywe phezu kwalo;
 - (e) dlula udonga esixhunywe kulo ngaphezu kuka 1,8m;
 - (f) kweqa ku 2,5m ayisikwela ngobukhulu, ngaphandle uma isikhangiso siphakame sashiya isikhala eseqile ku 4,5m phakathi nomhlaba, lapho kulindeleke ukuthi ubukhulu bungandiswa ngo 0,5m wamamitha ayisikwele kuze kufike ku 5m.
 - (g) xhunywa ngenye indlela ngaphandle kokuthi sifakwe odongeni oluqondile.
- (2) Nakuba kuchaziwe ngaphansi komushwana (1), izikhangiso ezilengiswayo ezinkulu zingakhiwa. Uma:

- (a) umnikazi webhilidi noma umnini wesikhangiso efaka isicelo lapho evuma khona ukuthi uyobhekela konke okuqondene nesikhangiso, kuhlenganisa ukusinakekela, ukusihlola kanye ngonyaka ukuze aneliseke ukuthi sisaphephile, abuye akwamukele ukuthi uyokhokha zonke izindleko ezingavela uma kwenzeka kukhona umuntu noma impahla ethola ukulimala ngenxa yokwakhiwa, ukunakekelwa okanye ukubakhona kwaleso sikhangiso;
- (b) ukwakhiwa kwaso kwenelisa umkhandlu, futhi sihambisana nayo yonke imigomo equkethwe kulemithetho yedolobha;
- (c) lolo hlobo lwesikhangiso lwakhiwa livundle umgwaqo kanye nengaphambili lebhilidi elakhelwe kulo;
- (d) lolo hlobo lwesikhangiso luyokwakhiwa ngensimbi futhi lungeqi ku 300mm ukudepha machopho onke;
- (e) lolo hlobo lwesikhangiso ngeke lweqe ku 450kg ngesisindo noma ku 675kg uma luqukethe igama lendawo esetshenziselwa ukungcebeleka umphakathi;
- (f) lolo hlobo lwesikhangiso ngeke lweqe ku 9m ngobude noma u1.5m ubugqinsi, noma uma kuyisikhangiso esiqukethe igama lendawo esetshenziswa umphakathi ukungcebeleka, singeqi ku 14m ubude noma u1.8m ubugqinsi: Kepha-ke izikhangiso ezakhiwe phambi kokuba kusakazwe lemithetho yedolobha ngeke zingene phansi kwemigomo equkethwe kulesigaba;
- (g) isikhangiso siyosekelwa amapali ensimbi amane, amabili kuwo okumele akwazi ukumelana nesisindo sesikhangiso ngokuphelele kanye nazo zonke izimo zomoya;
- (h) lapho uMhloli wamabhilidi oqashwe umkhandlu ekhipha isaziso sokuthi isikhangiso asiphelile, lesi sikhangiso siyosuswa ngaphandle kokuthi umkhandlu ukhiphe isinxephezelo.
- (i) umnikazi wesikhangiso uyosayina isivumelwano esimbophezela kwimigomo echazwe ngenhla.
- (j) lolo hlobo lwezikhangiso ngeke luvunyelwe ezindaweni ezisetshenziselwa ukuhlala noma ezakhele abantu abaningi.

8. ISIKHANGISO ESILENGISWE KUMA-PYLON

- (1) Igama elithi "pylon" lisetshenziswe ukuchaza isigxobo noma okufana naso okusetshenziswe ukunamathelisa, ukusekela noma ukukhangisa lokho okukhangiswayo.
- (2) I-pylon iyoxhunywana ngendlela yokuthi izimele futhi isekelwe ngendlela enhlabathini, ngaphandle kokusebenzisa izinto zokuyisekela ezifana nentambo noma izinsimbi.
- (3) I-pylon kanye nesikhangiso esithwele kuyoba ngububanzi obungeqi ku 5m kanye nobude obungeqi ku 9m, okanye lelo nani eliyokalwa umkhandlu.

- (4) Akukho ngxenye yesikhangiso elengayo okanye enyakazayo eyovumeleka ukuba ishiye umhlaba ngaphansi kuka 2,4m noma esinye isikali esibekwe umkhandlu.
- (5) Umkhandlu uyocubungula leso sicelo sokwakha I-pylon ekuyobe kuhloswe ukukhangisa ibhizinisi eliqhutshwa kuleyondawo esifakwe umninindawo eyakhelene nomgwaqo ongaphansi komkhandlu. Kuyosayinwa isivumelwano esichaza ukusetshenziswa komgwaqo lowo kanye neminingwane mayelana nezimali eziyokhokhwa. Umkhandlu ngeke ungene nakunoma imaphi amacala angase avele ngenxa yalokho.

9. IZIKHANGISO EZINGAMA- FLAG

- (1) ama-flag angasetshenziswa zindaweni ezinezakhiwo noma ezingenazo uku-
 - (i) ukukhangisa imicimbi noma izinto ezimayelana nezenkolo, ezokufundisa, ezenhlalakahle, ezenhlalakahle yezilwane, noma ezamasiko okanye kukhangiswe izinto okanye imicimbi ephathelene nokhetho noma inhlobo kohulumeni basekhaya, besifundazwe okanye bakazwelonke;
 - (ii) izikhangiso ezichaza igama, uphawu lwenkampani kanye nohlobo lwebhizinisi eliqhutshwa khona;
 - (iii) izindawo zomphakathi emadolobheni ezifana nalezo ezinguchungechunge lwezitolo;
 - (iv) izikhangiso ezigcogcomayo ezikhishwe ngokuxhaswa nguhulumeni.
- (2) Akuvunyelwe ukuba kubekwe I-flag endaweni enezemvelo.
- (3) Akekho ovunyelwe ukukhangisa nge-flag engaphezu kwamamitha ayisikwele amane nohhafu ubukhulu.
- (4) I-flag akumele lixhunywe ngendlela ephazamisa noma engabanga ubungozi ekuhambeni kwezimoto noma kwabahamba ngezinyawo.
- (5) Uma ngabe I-flag ilimala, kumele kufakwe elinye kungakapheli izinyanga eziyisithupha, noma ngesikhathi esinqunywe uNjiniyela weDolobha.
- (6) I-flag kumele lisekelwe ngamapali noma okunye okufanele kuleyo ndawo ekubanjelwe khona umcimbi noma endaweni yomsebenzi.
- (7) uNjiniyela wedolobha nguye yedwa onegunya lokunquma inani lama-flag avumelekile ngesiza noma ngebhili ngalinye.

10. IZIKHANGISO EZINAMATHELISWE EMABHILIDINI

- (1) Isikhangiso esibekwe sanamathela odongeni olubheke umgwaqo kwibhili akumele sege kumamitha ayisikwele angama-20 kwindawo engu 15m, futhi asivumelwe ukuba sege kuhhafu wodonga.

- (2) Izikhangiso ezingaphansi kwamamitha ayisikwele angu 4,5 ubukhulu ezinamatheliswe odongeni azingeni ngaphansi kwalemithetho, ngaphandle uma zikhangisa into ethengisayo.
- (3) Zonke izikhangiso ezeqile kumamitha ayisikwele angu 4,5 ubukhulu komele zitholelwe imvume kumkhandlu ngaphambi kokuba zakhiwe.
- (4) Izikhangiso ezishiye umhlaba ngobude obungaphansi kuka 2,4 m zingaba ngubugqinsi obungu 75mm bese kuthi lezo ezishiye umhlaba ngobude obungaphezu kuka 2,4m zibe nobugqinsi obungu 230mm.
- (5) Izikhangiso ezibekwe odongeni oluhlukile kulolo oluchazwe kwumushwana (1) ngenhla, ngeke zeqe kumamitha ayisikwele angu 20 ububanzi, ngaphandle uma zibekwe endaweni yokuhweba.
- (6) Nakuba kuchaziwe kwimishwana (1) no (3), umkhandlu unegunya lokuthi lapho ubhekela ibhilidi okanye indawo lapho kuzobekwa khona isikhangiso, unqume ukuthi kwandiswe ubukhulu besikhangiso.

11. IMIGOMO EBELWE IZIKHANGISO ZASESIBHAKABHAKENI

- (1) Izikhangiso ezisesibhakabhakeni ezimbili noma ngaphezulu, ziyothathwa njengesodwa uma kubekwe esinye phezu kwesinye noma ngabe azisekelwe ndawonye.
- (2) Kulezo zindawo ezakhelwe kakhulu zonke izikhangiso zasesibhakabhakeni ziyokwakhelwa izihenqo njengoba kuchazwe kumushwana 12.
- (3) Akukho ngxenye yesikhangiso sasesibhakabhakeni ekuyovumeleka ukuba iputhsukele ngale kwesihenqo njengoba kuchazwe kumushwana (2).
- (4) Uma izitezi ezikwibhilidi zakhelwe ngaphansi kwesikhangiso sasesibhakabhakeni, kumele ubude bazo njengoba kuqagulwe kuhla 1 kwitafula elingezansi bungeqi kwinqanaba elingqongilesi kwitafula 2 lwetafula:

Izitezi ngezansi kwesikhangiso	Ubude obuvumelekile
Esisodwa noma ezimbili	1.5m
Ezimbili noma ezintathu	2.0m
Ezinhlamu noma eziyisithupha	3.0m
Eziyisikhombisa noma eziyisishiyagambili	4.0m
Eziyisishiyagalolunye nangaphezulu	5.0m

- (5) Leso sikhangiso sasesibhakabhakeni esikhulu kunalokho okunqunywe ngenhla kuyomele sicutshungulwe ngumkhandlu.
- (6) Akukho sikhangiso sasesibhakabhakeni esiyoxhunywa ophahleni olutshekele ezansi ngaphandle uma kunophahla olubili, lapho isikhangiso singafakwa siqondane nomgogodla wophahla.

12. IZIHENQO EZIFAKWA EZIKHANGISWENI ZASESIBHAKABHAKENI

Zonke izihenqo ezinqunwe kumushwana 12(2) kumele zihambisane nemigomo elandelayo:

- (a) (i) Ngaphandle kwalokho okuchazwe kwisigatshana (ii), zonke izihenqo ziyokwakhiwa ngendlela yokuthi zimboze sonke isikhangiso singabonakali, futhi uma umkhandlu ufisa, ungayalela nokuthi simbozwe ngendlela ezokwenza ukuthi neziza ezingomakhelwane zingakwazi ukusibona;
- (ii) uma ngabe umkhandlu unomqondo wokuthi izindonga zebhilidi ezihlangene zinde ngohlobo lokuthi zivala isikhala ngci, futhi akukho enye imbobo evulekela ngaphandle njengoba kuchazwe kwisigatshana (i), kungenzeka umkhandlu uxegise eminye yemigomo oyibekile ngaphansi kwemibandela ethize;
- (b) akukho ngxenye yesihenqo eyovumeleka ukuba ikapakele ngale konqenqema lwebhilidi okwakhelwe kulo isikhangiso, ngaphandle uma umkhandlu uchaza okuhlukile;
- © isikhala phakathi kwengezansi lesihenqo kanye nodonga olungaphansi kwaso ngeke seqe u 100mm;
- (d) ubude besihenqo ngeke budlule lobo obesikhangiso ngaphezu kwengxenye nohhafu njengoba kuchazwe kumushwana 11(4): ngaphandle uma ngabe isihenqo simboza nendlu ethwala ikheshi, ithangi okanye enye into esophahleni, lapho ubude besihenqo bunganyuswa bulingane nalobo baleyondlu, ithangi noma enye into;
- (e) Uma ngabe isihenqo sakhiwe ngento enezimbobo, lezo zimbobo kumele zilingane, ububanzi bazo bunqegi ku 25% wesihenqo sonke futhi imbobo ngayinye ingeqi ku 100mm ubukhulu: nakuba kunjalo, umkhandlu ungasigunyazisa isihenqo esakhiwe ngamapulangwe anezikhala, uma ngabe sizokwazi ukumboza njengoba kuchazwe kwisigaba (a)(i).

13. IZIKHANGISO KUMABHILIDI AHLALA ABANTU

- (1) Kungakhangiswa uphawu olulodwa oluchaza igama lendawo kuphela endaweni esetshenziselwa ukuhlala uma kungesiyo indlu, kanye nophawu olukhangisa igama, uphawu lwenkampani, nenombolo yocingo, okubhalwe oqwembeni oluyithusi noma kolunye uhlobo lwensimbi olungu 600mm X 450mm ubukhulu.
- (2) Leso sikhangiso esichazwe kumushwana (1) kumele:
 - (a) sixhunywe okanye sakhelwe kolunye lwezindonga kulelobhilidi, noma odongeni oluzimele qikelele noma olungumngcele walesosiza;
 - (b) singakhanyiswa ngaphakathi;
 - © kufakwe isikhangiso esisodwa kuphela kulolo nalolo donga olubheke emgwaqweni.

- (3) Kungaxhunywa isikhangiso sensimbi esingu 600mm X 450mm ubukhulu esichaza igama noma uhlobo lomsebenzi owenziwa ngumninindawo odongeni elingumngcele wesiza, noma emnyangweni womuzi ohlala abantu, okanye odongeni kwigumbi lapho kungenela khona abantu kwenye indawo esetshenziselwa ukuhlala.
- (4) Lapho kunesakhiwo somsebenzi endaweni esetshenziselwa ukuhlala, esitholelwe imvume yokusebenza kumkhandlu noma ngenxa yokushintshwa kwemithetho yokusetshenziswa kwezindawo, kuvumelekile ukuba kubekwe isikhangiso esichaza uhlobo lwebhizinisi eliqhutshwa khona kudonga oluhlukanise imizi uma udonga lubheke emgwaqweni, singeqi ku 600mm X 450mm ububanzi. Leso sikhangiso siyohambisana nendlela ekwakhiwe ngayo umgwaqo, udonga olubheke emgwaqweni okanye sihambisane nemigomo yokwakha egculisa umkhandlu. Leso sikhangiso kuyolindeleka ukuba singehluki kwindawo esakhelwe kuyo futhi singabi nomthelela omubi emananini ezindlu ezingomakhelwane kuleyondawo.

14. IZIKHANGISO EZIBEKWE KWIZIHENQO ZIKASEYILI

Izikhangiso ezichaza igama lehhotela, isitolo noma indawo yokudlela kuphela ezivumeleke ukuba zikhangiswe kuhlobo lukaseyili olugunyazisiwe.

15. IZIHENQO ZOKUVIMBA IMISEBE YELANGA

- (1) Zonke izihenqo ezivimba ilanga kumele zakhiwe ngendlela eyenza zingakwazi ukwehliswa ngezansi kuka 2m kusuka phansi emgwaqweni.
- (2) Izihenqo ezivimba ilanga ziyobekwa ziqondane nodonga, ngaphandle kwalapho kuphambana khona imigwaqo.
- (3) Lapho kubekwe khona izihenqo ezivimba ilanga ezimpambanweni zomgwaqo, ziyobekwa ngendlela eqinisekisa ukuthi aziphazamisi ukuhamba kwabantu, kwezimoto kanye nezinye izimpawu ezisetshenziselwa ukuhlenga umphakathi.

16. IZIKHANGISO EZINGAVUNYELWE KWIZINSIKA ZIKAVELANDA

Akukho sikhangiso okuvunyelwe ukuba sixhunywe kwizinsika zikavulanda osemgwaqweni.

17. IZIKHANGISO EZITHATHWA NJENGEZIQASHISIWE

- (1) Kuyothathwa njengokuthi lowo muntu obeka okanye ongumnini wesikhangiso esibekwe emgwaqweni, endleleni noma onqenqemeni lomgwaqo, ukwenza lokhu njengoqashe leyondawo okwesikhashana, futhi uma umkhandlu ukhipha umyalelo ukuba asuse isikhangiso esisodwa okanye zonke, uyokwenza lokho kungakapheli izinsuku ezingama-14 uma kuyisikhangiso esinamathelise entweni ethize, noma asisuse ngokushesha uma ngabe sizimele; akwenze lokho engalindelanga zinxephezelo.
- (2) Uma umnini wesikhangiso noma lowo ongumnini wesakhiwo ekukhangiswe kuso ehluleka ukususa isikhangiso emva okuba eseyalelwe ukwenze njalo, umkhandlu ungazisusa ngokwawo, kuthi izindleko zalowo msebenzi zikhokhelwe ngumnikazi lowo kulandelwa imigudu efanele yezomthetho.

18. IZIKHANGISO EZINAMATHELISWE KUMA-BANNER NOMA OKUFANAYO

- (1) Ngaphandle kwalokho okuchazwe kumusho 4(1) nomushwana (2), akukho sikhangiso esiyonamatheliswa kuma-banner, kuma-flag, ephepheni, iplastiki noma into efana nakho ngaphandle kokuthola incwadi yemvume kumkhandlu, kulandelwa nemigomo ebekiwe kuleyoncwadi.
- (2) Imvume echazwe kumushwana (1) iyokhishwa kuphela lapho kwenziwa imicimbi emayelana nezenkolo, ezemfundo, ezenhlalakahle, ezenhlalakahle yezilwane, ezemidlalo, ezomphakathi noma ezamasiko okanye umcimbi ophathelene nezokhetho kuhulumeni wasekhaya, wesifundazwe okanye kazwelonke.
- (3) Kuyofakwa isicelo semvume yokwakha isikhangiso esichazwe kumushwana (1), sihambisane nezimali ezinqunywe ngumkhandlu, isicelo ngasinye.
- (4) Umkhandlu unegunya lokususa okanye ucekele phansi nanoma isiphi isikhangiso esifakwe ngokuphambene nokuchazwe kumushwana (1), ngaphandle kokufaka isaziso.
- (5) Lowo othole imvume yokubeka isikhangiso njengoba kuchazwe kumushwana (1) kuyomele alandele imigomo ebekwe ngezansi:
 - (a) kuyobekwa izikhangiso ezingeqile kweziyisihlanu umcimbi ngamunye, futhi kubekwe sibe sinye kumgwaqo ngamunye;
 - (b) zonke izikhangiso ziyonamatheliswa noma zilengiswe phakathi kwamapali okanye enye into ezokwazi ukusixhasa, noma sincikiswe odongeni lwebhilidi lapho kuzobanjelwa khona umcimbi;
 - © zonke izikhangiso ziyoxhunywana ngendlela eqinisekisa ukuthi aziphazamisi izimoto noma abahamba ngezinyawo;
 - (d) akukho sikhangiso okuyovunyelwa ukuthi sibekwe kusasele izinsuku ezingaphezu kweziyi-14 ngaphambi kwalolo okuzobanjwa ngalo umcimbi okanye kuze kudlule amahora angama 48 emva komcimbi singazange sisuswe; uma kwenzeka lokho, idiphozi ebikhokhwe njengokuyalela komushwana 18(3) iyocwila.
 - (e) zonke izikhangiso ziyokwakhiwa ngendwangu eyi-PVC eqinile nenezimbobo ezakhiwe ngensimbi.
- (6) Zonke izikhangiso zama-banner ezigunyazwe ngaphansi kwalesigaba ngeke zeqe ku 4,5 wamamitha ayisikwele ngobubanzi.
- (7) Uma ngabe lowo othole imvume yokukhangisa enza okuphambene nomthetho kuze kube kathathu, uyojiziswa ngokuthi aphucwe leyo mvume isikhathi esiyizinyanga eziyi-12.

19. IZIKHANGISO EZIPENDIWE

- (1) Ngaphandle kwalokho okuchazwe kumushwana (2), akukho sikhangiso okuvunyelwe ukuthi sipendelwe kudonga lwebhilidi, kwi-khanophi, kudonga elingumngcele, kugongolo noma enye into, ngaphandle kwasefasiteleni.
- (2) Uma kutholakale imvume ephuma kumkhandlu njengoba kuchazwe kumusho 2, udonga lwebhilidi lungapendwa ngegama lomuntu okanye lenkampani eqhuba umsebenzi othile kulelobhilidi. Leyo mvume ayidingeki kulezo zikhangiso ezingaphansi kwamamitha ayisikwele angu 4,5 ngobubanzi.
- (3) Ngokuchaza komusho 2, kungenzeka umkhandlu ubhekele lezo zicelo zokupendela izithombe ezinkulu odongeni noma kwenye indawo evumelekile.

20. IZIMPAWU NEZIKHANGISO EZINOKUBEKWA OKWESIKHASHANA

- (1) Izikhangiso ezikhangisa izindlu ezidayisayo okanye eziqashisayo zingakhangiswa ngaphandle kwemvume yomkhandlu uma zifeza imigomo elandelayo:
 - (a) lezo zikhangiso ezikhangisa indawo yokuhlala ezibhalwe ukuthi "sole mandate" nezingaphansi kuka 600mm X 450mm ubukhulu, futhi ezichaza igama, ikheli kanye nenombolo yocingo kwalowo oqondene nokudayiswa kwendawo, bese zixhunywa ziqondane nomngcele kulelo bhilidi elidayisayo noma zibekwe inoma ikuphi kuleso siza. Kungabekwa isikhangiso sibe sinye kumdayisi ngamunye, nakwisiza ngasinye, futhi sihambisane nemigomo echazwe kwesiXhumelelo 1 salemithetho yedolobha (esichaza imigomo emayelana nokubekwa kwezikhangiso okwesikhashana) .
 - (b) lezo zikhangiso ezikhangisa indawo yokuhlala ezibhalwe ukuthi "sold" nezingaphansi kuka 600mm X 450mm ubukhulu, futhi ezichaza igama, ikheli kanye nenombolo yocingo kwalowo oqondene nokudayiswa kwendawo, bese zixhunywa ziqondane nomngcele kulelo bhilidi elidayisayo noma zibekwe noma ikuphi kuleso siza, futhi:
 - (i) sikhangiswe emva kokuba zonke izikhangiso ezichazwe ku (a) ngenhla no (b) ngezansi sezisusiwe;
 - (ii) sixhunywe kwibhilidi elidayisiwe okanye sibekwe ocingweni elingumngcele kulelobhilidi, noma sibekwe nanoma ikuphi kulesosiza;
 - (iii) sikhangiswe izinsuku ezingeqi kuma-60.
 - (iv) umthengisi ngamunye uyokwazi ukukhangisa uphawu olulodwa, kwisiza ngasinye;
 - (v) futhi kubuye kulandelwe imigomo ebekwe kwesiXhumelelo 1 salemithetho yedolobha (esichaza imigomo mayelana nokubekwa kwezikhangiso okwesikhashana)
- © leso sikhangiso esikhangisa indawo yokuhlala esibhalwe ukuthi " sole mandate" nesingaphansi kuka 600mm X 450mm ubukhulu, futhi

esichaza igama, ikheli kanye nenombolo yocingo kwalowo oqondene nokudayiswa kwendawo, noma esibhalwe ukuthi "sold". Kuyokhangiswa isikhangiso esisodwa kumthengisi ngamunye sibuye sibe sinye kuleso naleso siza.

- (d) nanoma isiphi isikhangiso esikhangisa indawo yokuhlala esibhalwe ukuthi "to let" nesiingaphansi kuka 600mm X 450mm ubukhulu, futhi esichaza igama, ikheli kanye nenombolo yocingo kwalowo oqondene nokuqashiswa kwendawo, bese sixhunywa siqondane nomngcele kulelo bhilidi elidayisayo noma sibekwe noma ikuphi kuleso siza. Kungabekwa isikhangiso sibe sinye kumqashisi ngamunye, nakwisiza ngasinye;
- (2) Izikhangiso ezimayelana nokuthengiswa kwezindlu nezifeza imigomo elandelayo, zingafakwa kuphela emva kokuthola imvume yomkhandlu:
 - (a) **SIKhangiso ESIBHALWE UKUTHI "FOR SALE"**- nanoma isiphi isikhangiso esikhangisa indawo yokuhlala esibhalwe ukuthi "for sale" nesiingaphansi kuka 600mm X 450mm ubukhulu, futhi esichaza kuphela igama ikheli kanye nenombolo yocingo kwalowo oqondene nokudayiswa kwendawo, bese sixhunywa siqondane nomngcele kulelo bhilidi elidayisayo noma sibekwe noma ikuphi kuleso siza. Kungabekwa isikhangiso sibe sinye kumdayisi ngamunye, nakwisiza ngasinye, futhi sihambisane nemigomo echazwe kwesiXhumelelo 1 salemithetho yedolobha(esichaza imigomo emayelana nokubekwa kwezikhangiso okwesikhashana) .
 - (b) **SIKhangiso ESIKHULU ESIBEKWE OKWESIKHASHANA**- nanoma isiphi isikhangiso esikhangisa indawo yokuhlala okanye ekuhlongozwa ukuthi kwakhiwe kuyo, noma umhlaba okungakakhiwa kuwo esingaphezu kwamamitha ayisikwele ayi-6, futhi esichaza kuphela igama, ikheli kanye nenombolo yocingo kwalowo oqondene nokudayiswa kwendawo, bese sixhunywa siqondane nomngcele kulelo bhilidi elidayisayo noma sibekwe noma ikuphi kuleso siza, bese:
 - (i) sibekwa izinsuku ezingeqi kweziyi-180, ngaphandle uma umkhandlu ugunyazise okuhlukile;
 - (ii) kubekwa isikhangiso sibe sinye kumgwaqo nakumthengisi ngamunye, okungaze kufinyelele kwizikhangiso ezine kulezo zindawo ezingasetshenziswa kakhulu;
 - (iii) kubekwe izikhangiso ezimbili ngesiza kulezo zindawo ezisetshenziswa kakhulu;
 - (iv) zihambisane nemigomo echazwe kwesiXhumelelo 1 salemithetho yedolobha(esichaza imigomo emayelana nokubekwa kwezikhangiso okwesikhashana) .
- © **SIKhangiso ESIBHALWE UKUTHI "ON SHOW"**- nanoma isiphi isikhangiso esikhangisa indawo yokuhlala esibhalwe ukuthi "on show" nesiingaphansi kuka 600mm X 450mm ubukhulu, futhi esichaza kuphela igama, ikheli kanye nenombolo yocingo kwalowo oqondene

nokudayiswa kwendawo, sibuye sikhombise umphakathi indlela ngokusobala ngemicibisholo, bese sihambisana nemigomo echazwe kwisiXhumelelo 1 salemithetho yedolobha(esichaza imigomo emayelana nokubekwa kwezikhangiso okwesikhashana) .

- (3) Labo abafisa ukuxhuma izikhangiso ezichazwe kwimishwana 20(a), 20(c) no 18, bayofaka isicelo semvume ngefomu esemthethweni kumkhandlu noma kuleyonkampani oyimele, iphindwe ikhokhelwe imali enqunywe ohleni lokukhokhela izinkonzo zikamasipala. Isicelo kuyomele sivuselelwe emva kwezinsuku ezingama-90. Umkhandlu akukho saziyo oyosithumela esiyobe sikhumbuzisa mayelana nokuvuselelwa kwesicelo.
- (4) Izikhangiso ezingama-banner ezingaphansi kuka 4m2 neziphakeme ngaphezu kuka 3m, eziqukethe izinombolo, onobumba bamagama okanye izimpawu ezikhangisa okuthile, zingaxhunywanga ngaphandle kokucelwa kwemvume njengoba kuyalela umushwana 2, uma zikhangisa umcimbi okanye indali ezobanjelwa kuleyo ndawo: kumele lezo zikhangiso zicacise ngokusobala usuku lomcimbi, zifakwe sekusele isonto ngaphambi komcimbi, ziphinde zikhishwe emva kwezinsuku ezimbili lapho usuphelile umcimbi okanye kungapheli izinsuku ezingama-30 kunyaka wonke zisaxhonyiwe.

Leso sikhangiso esiya-banner siyokhangiswa kulandelwa imigomo engaphansi kwemishwana 18(4), no 18(5)(a), 18(5)(b) no 18(5)(c) kulemithetho yedolobha.

- (5) Umkhandlu unokubhekela lezo zicelo zokukhangisa emhlabeni wawo okanye ophethwe yiwo uma lokho kuzokwenziwa izinsuku ezingeqi kuma-60.
- (6) Uma ngabe imigomo ebekwe ngaphansi kwemishwana 20(a), 20(b), 20(c) noma u18(c) yaphulwa, umasipala noma abawumele bayogodla idiphozi ebikhokhwe ngenkathi kufakwa lesi sicelo. Uma kufakwa isicelo esisha, kuyomele idiphozi ikhokhwe kabusha.
- (7) Uma ngabe imithetho iphulwa kuze kuba kathathu, lowo ofake isicelo uyolahlekelwa ilungelo lokubeka izikhangiso zakhe isikhathi esiyoba izinyanga eziyi-12.
- (8) Lowo othola imvume yokufaka isikhangiso eithize, bese esifaka ngendlela ephambene nemvume ayitholile, uyobe wenza okuyicala.

21. IZIKHANGISO EZIGAMANXELE

- (1) Akukho sikhangiso esiyobekwa sigamanxele emgwaqweni ngaphandle kwemvume yomkhandlu. Lapho kunesikhangiso esigamenxe kanjalo, umkhandlu unganika umninindawo okanye lowo ophethe ukusetshenziswa kwesikhangiso isaziso sokuthi asisuse kungakapheli izinsuku ezinqunyiwe, ngaphandle uma ngokombono womkhandlu lesi sikhangiso kungenzeka sibe nobungozi emphakathini noma siphazamise eminye imisebenzi yomkhandlu, lapho umkhandlu ungaba namandla okusisusa ngaso lesi sikhathi.

Lowo owenza okuphambene nokuqukethwe isaziso uyobe wenza okuyicala.

- (2) Umnikazi noma lowo ophethe ukusetshenziswa kwesikhangiso esigamanxele umgwaqo uyovikela umkhandlu uma kwenzeka kukhona ofaka isimangalo

mayelana nengozi, ukunakekela noma ukulungiswa kwesikhangiso, abuye akhokhe yonke imali eyochithwa umkhandlu uma kwenzeka kufuneka uzivikele enkantolo ngenxa yesimangalo esifakwe mayelana nesikhangiso.

- (3) Umnikazi noma lowo ophethe ukusetshenziswa kwesikhangiso esigamanxele umgwaqo uyokhokhela umkhandlu inhlawulo ehambisana nesicelo kanye naleyo ekhokhelwa ukugamanxisa isikhangiso njengoba ichazwe kuhla lukamasipala oluchaza izimali ezimele ukukhokhwa.
- (a) Lezo zimali ziyokhokhwa lapho kufakwa isicelo, emva kwalokho uma sisekhona leso sikhangiso ziyokhokhwa minyaka yonke, isikhathi siqondane nalolo suku okwafakwa ngalo isicelo okokuqala.
- (b) Inhlawulo iyokhokhwa kuphela lapho isikhangiso sigamanxela emgwaqweni ngokweqile ku 150mm.
- © Uma ngabe kulowonyaka leso sikhangiso esichazwe kwisigaba (a) sikhishwa bese kufakwa esinye esifana naso ncimishi ngendlela esemthethweni, akukho mali ekuyolindeleka ukuba ibuye ikhokhwe.
- (d) Uma ngabe lowo obekhangisile esusa isikhangiso ngokwakhe noma ngoba eyalelwe umkhandlu, akukho mali umkhandlu oyoyikhokha njengembuyiselo.
- (e) Ukukhokhwa kwezimali ezichazwe lapha ngeke kube nomthelela noma kuphazamise okuchazwe kwisigaba (1) salemithetho yedolobha.
- (4) Lapho uNjiniyela weDolobha eyalela, umnikazi noma lowo ophethe ukusetshenziswa kwesikhangiso esigamanxele umgwaqo uyosayina isivumelwano lapho ezibophezela khona ukufeza imigomo echazwe kwizigaba (2) no (3) zalemithetho yedolobha; imigomo iyoqhubeka isebenze noma ngabe singekho isivumelwano esinjalo. Uma ngabe isikhangiso sithathwa ngomunye umuntu, lowo okade engumniniso ngaphambilini uyobhala incwadi ngokushesha echazela umkhandlu ngaloloshintsho.
- (5) Nanoma imuphi umuntu oqashisa ngesikhangiso esibekwe sagamanxela umgwaqo, okanye esisendaweni engaphansi komkhandlu, uyobe wenza into eyicala ngaphandle uma ethole incwadi yemvume kumkhandlu egunyazisa lokho.

22. AMA-BILLBOARDS

- (1) Ukukhangisa nokwakhiwa kwama-billboards kuvunyelwe lapho kutholwe imvume. Leyo mvume iyokhishwa kulandelwa imigomo enqunywe kulemithetho yedolobha, kanye nayo yonke eminye imithetho kamasipala uMdoni.
- (2) Imvume yokwakha nokubeka ama-billboard njengoba kuchazwe kwiSigaba 22(1), iyotholakala emva kokuba isicelo sibhalwe kwifomu kamasipala efanele, kwaphinde kwakhokhwa zonke izimali ezifanele ezibekwe umkhandlu.

23. IZIKHANGISO EZIDONSWA INTO EHAMBAYO

- (1) Izikhangiso ezibekwe entweni ehambayo ziyovunyelwa kuphela uma leyonto ezibekwe phezu kwayo kuyinto ehamba ngaso sonke isikhathi futhi ihambisana nayo yonke imigomo yemithetho yomgwaqo.
- (2) Akuvunyelwe ukuba isikhangiso esidonswayo sipakwe endaweni kamasipala okanye eyomunye umuntu ngenhloso yokuthi kube khona umuntu osisebenzisela ukukhangisa.
- (3) Lapho izikhangiso ezidonswayo bese zipakwa endaweni yomuntu ziyobekwa ngendlela yokuthi zingabonakali kulabo abahamba emgwaqweni.
- (4) Nakuba kuchaziwe kwimishwana (1), (2) no (3) ngenhla, nalapho kuphulwa imithetho yedolobha echazwe lapha, umasipala okanye abammele banelungelo lokususa babuye bashaqe leso sikhangiso esaphula umthetho ngaphandle kokukhipha saziyo.
- (5) Leso sikhangiso esishaqwe umkhandlu singabuyiselwa kumnikazi kungakapheli izinyanga ezintathu, ngaphansi kwemigomo ebekwe umushwana 33(5)(a) okanye umkhandlu ungasidayisa ukuze ubuyise yonke imali oyichithe ngenkathi sisuswa noma ukukhokhela izinhlawulo ezithize.
- (6) Isikhangiso esishaqiwe siyokhululwa emva kokuba sekukhokhwe zonke izimali ezithinteka ekususweni kwaso, kwabuye kwavezwa nesitifiketi esiqinisekisa ukuthi isikhangiso sisemthethweni.

23. IZINGQWEMBE (POSTERS)

- (1) (a) Akukho muntu onegunya lokukhangisa, ukubangela ukuba kukhangiswe okanye avumele ukuba kukhangiswe kunoma imuphi umgwaqo ngaphandle kokuthola incwadi yemvume kumkhandlu;
 - (b) Imvume yokunameka izingqwembe ezikhangisa umhlangano, noma umcimbi othize, iyokhishwa ngumkhandlu kuphela;
 - © Lowo mcmbi obanjwa izinkathi ezeqile kweziyi-4 onyakeni uyothathwa njengophindwaphindwayo, ngakho-ke ngeke kube nesidingo sokufaka isicelo semvume.
- (2) Leso naleso sicelo semvume esichazwe kumushwana (1) siyohambisana nemali yokufaka isicelo enqunywe ngumkhandlu, kanye nazo zonke izingqwembe neminingwane echaza ukuthi zizobekwa kumiphi imigwaqo: ngaphandle uma kuzobekwa izingqwembe ezimayelana nokhetho lohulumeni basendaweni, besifundazwe noma bakazwelonke, lapho kudingeka ukuba kulethwe luqwembe olulodwa, luhambisane nemali yokufaka isicelo ekhishwa yilowo nalowo ongenele ukhetho noma uma kuhlelwa inhlolovo kwizigaba zikahulumeni ezibalwe ngenhla, lapho kulindeleke ukuba kulethwe uqwembe olulodwa, luhambisane nemali yokufaka isicelo ekhishwa yiwo wonke amaqembu ezezopolitiki abhalisile.

- (a) zonke izingqwembe ezigunyaziswe ukuba zingakhangiswa ziyofakwa uphawu(sticker) lukamasipala wase-Hibiscus Coast futhi kuyokhangiswa lezo zingqwembe ezinophawu kuphela,
 - (b) umkhandlu uyoba negunya lokugcina uqwembe lolulodwa ukuze ulusebenzise lapho kufaniswa izingqwembe.
- (3) Nanoma imuphi umuntu othole imvume yokubeka, ukuvumela ukuba kubekwe noma ukudala ukuba kubekwe isikhangiso esiwuqwembe esibheke emgwaqweni njengoba kuchazwe kumushwana (1), uyoqinisekisa ukuthi imigomo elandelayo iyalandelwa:
- (a) akukho qwembe oliyobekwa ngaphansi kuka 2m uma kusuka emhlabathini;
 - (b) akukho qwembe oliyobekwa oliyoba nokungahloniphi ngokwezimilo zomphakathi, okanye lunganambitheki kuwo;
 - © akukho qwembe oliyobekwa emigwaqweni emncane engenelayo noma ephumayo;
 - (d) zonke izingqwembe, ngaphandle kwalezo ezikhangisa ukhetho okanye inhlolovo kohulumeni bendawo, besifundazwe okanye bakazwelonke, ziyoba ngu 900mm ukuphakama, bese ziba banzi ngo 600mm futhi zenziwe ngoplastiki osabukhadibhodi (correx).
 - (e) izingqwembe ezikhangisa ukhetho noma inhlolovo kohulumeni bakazwelonke, besifundazwe noma bendawo ziyonamekwa kwinto ewukhuni, ibhodi eqinile noma enye into ekwazi ukumelana nesimo sezulu, futhi lezo zingqwembe kanye namabhodi kuyoba kukhulu ngokungeqi ku 900mm X 600mm kubuye kungehli ngaphansi kuka 600mm X 450mm, bese ziboshelwa ngentambo eqinile okanye uplastiki esigxotsheni sikagesi esisemgwaqweni ongaphansi komkhandlu noma uhulumeni omkhulu (akuvunyelwe ukusetshenziswa kocingo lwensimbi lapho kuphanyekwa izingqwembe).
 - (f) akukho qwembe olukhangisa umhlangano okanye umcimbi, ngaphandle kwalezo ezikhangisa ukhetho noma inhlolovo kohulumeni bakazwelonke, besifundazwe noma bendawo, okuyovunyelwa ukuba luphanyekwe kusasele izinsuku ezingaphezu kweziyi-14 ngaphambi komcimbi, noma kuze kudlule izinsuku ezingaphezu kwezimbili emva komcimbi lusaphanyekiwe;
 - (g) izingqwembe ezikhangisa ukhetho noma inhlolovo kohulumeni bakazwelonke, besifundazwe noma bendawo, okanye lezo eziqondene nomuntu ongenele ukhetho, akavunyelwe ukuba zikhangiswe kusasele izinsuku ezingaphezu kweziyi-14 ngaphambi kokuthi kumenyezwe okanye kukhishwe leso saziso kwiphephandaba likahulumeni noma kuze kuphele izinsuku eziyi-10 emva kwalokho zisaphanyekiwe: ngaphandle kwalezo zingqwembe ezingaqondene nomuntu ongenele ukhetho, zona okulindeleke ukuba zisuswe kungakapheli izinsuku eziyi-5 emva kokhetho.

- (h) angeke kubekwe izingqwembe eziphathelele nomcimbi okanye umhlangano othize ezeqile kwi-1000, ngaphandle kulezo ezimayelana nokhetho noma inhlolovo kohulumeni bakazwelonke, besifundazwe noma bendawo, okanye ezimayelana nomhlangano othinta lokho, lapho kungakhishwa imvume yezingqwembe eziyi-100 imvume ngayinye. Umkhandlu uyaligodla igunya lokubhekela loludaba ngeso elihlukile.
 - (i) akuvunyelwe ukuba kubekwe izingqwembe ezikhangisa lowo ongenele ukhetho ezeqile kwi-500 kwindawo ngayinye, noma kubekwe izingqwembe ezikhangisa iqembu lezopolitiki ezeqile kwi-2000 lapho kunenhlolovo kuzo zonke izindawo ezingaphansi kukamasipala wase-Hibiscus Coast.
 - (j) izingqwembe eziphanyekiwe kumele zicacise imininingwane yomcimbi kuhlanganisa usuku ozoqala ngawo, ozophetha ngawo kanye nekheli lendawo lapho uzobanjelwa khona;
 - (k) umyalezo oqukethwe isikhangiso kuqwembe awuvunyelwe ukuba udle indawo engaphezu kuka 30%, futhi amagama abhale lowo myalezo kumele angabi makhulu kunamanye abhalwe kulolo qwembe;
 - (l) akuvunyelwe ukuba izingqwembe zikhangiswe kuze kweqe izinsuku eziyi-14 emva komcimbi.
 - (m) akuvunyelwe ukuba kukhangiswe ngezingqwembe emabhulohweni nakwezinye izindawo ezibucayi eziyobalulwa umkhandlu.
 - (n) kuyobekwa izikhangiso ezingeqi kwama-40 ezikhangisa i-auction kuzo zonke izindawo ezingaphansi komkhandlu uMdoni emva kokutholwa kwemvume efanele ephuma kwiphoyisa lenkantolo. Kufanele ukuba inombolo egunyazisa imvume ivele kulezo zingqwembe. Incwadi yemvume kumele ithulwe phambi komkhandlu ngenkathi kufakwa isicelo.
 - (o) Lezo zingqwembe zeqembu lepolitiki ezingachazi ngokhetho kumazinga onke kahulumeni ziyothathwa njengezikhangiso eziwayelekile.
 - (p) Lezo zikhangiso ezimayelana nokhetho kohulumeni kazwelonke, wesifundazwe noma wendawo ziyobekwa zihlukaniswe ukuze zifundeke ngokuhlukana.
- (4) Imibandela ebekwe ngaphansi komushwana (2) ayisebenzi lapho kuphathelele noqwembe olukhangisa ukhetho noma inhlolovo olu:
- (a) bekwe emagcekeni endawo yomuntu ozimele;
 - (b) phanyekwe emotweni ngaphakathi noma ngaphandle;
 - © khangiswe ongenele ukhetho egunjini elicacile ukuba lisetshenziswa ikomidi lomkhandlu, noma (d) xhunywe kunqwembe olukhulu olutholelwe imvume njengoba kuchazwe kumushwana 2.

- (5) Nanoma iluphi uqwembe olubekwe ngaphandle kwemvume lingasuswa ngumkhandlu noma abantu abawumele. Zonke izindleko zalowo msebenzi ziyothwalwa ngokhangise ngalolo qwembe, noma odale ukuba kukhangiswe kanjalo.

25. IZIKHANGISO EZIBHANGQEKILE

Izikhangiso ezisemabhodini abhangqiwe zivumelekile ukubekwa kuleyo ndawo eziyikhangisayo, kulandelwa imigomo ebekwe ngaphansi kwalemithetho. Ngaphezulu;

- (1) Izikhangiso ezisemabhodini abhangqiwe azivumelekile kulezo zindawo ezivikelekile noma ekungezomphakathi ngaphandle kwencwadi yemvume ekhishwe ngumasipala egunyazisa lokho.
- (2) Umasipala ungunya lokususa lezo zikhangiso ezibekwe ngaphandle kwemvume ezindaweni ezivikelekile noma ekungezomkhandlu. Abanikazi bazo bayozithola emva kokukhokhela umasipala imali engu-R100.00 ukubhekana nezindleko zokususa, ukubeka nokuthwala lezo zikhangiso.
- (3) Umasipala angabhekela izicelo zokwakha nokubeka izikhangiso ezikumabhodi abhangqiwe kulezo zindawo ezivikelekile noma ezikamasipala ngaphansi kwemigomo elandelayo:
 - (a) Uma isikhangiso singeyona ingozi kumalunga omphakathi mayelana nobukhulu kanye nokwakhiwa kwaso.
 - (b) Isikhangiso asivmbeli amalunga omphakathi ngendlela esakhiwe noma esibekwe ngayo,
 - © Isikhangiso asibeki engcupheni abanye abathengisi.
 - (d) Isikhangiso lesa asiphazamisi ukubukeka kwendawo esibekwe kuyo.
 - (e) Isikhangiso sibekelwe ukukhangisa igama lebhizinisi, okanye impahla etholakala kulelo bhizinisi kuphela,
 - (f) Isikhangiso esiphathekayo ngeke seke ku 1,20m (ubude) X 0.6m (ububanzi) ngobukhulu,
 - (g) Isikhangiso siyobekwa phambi kwendawo ekhangiswayo, uma nje kulandelwe yonke imigomo echazwe ngenhla.
 - (h) Kumele kusale indawo engu 1,2m eduze nesikhangiso ekwazi ukusetshenziswa ngabahamba ngezinyawo.
- (4) Lezo zikhangiso ezivunyelwe kulezo zindawo ezivikelekile noma ezikamasipala kuyomele zibekwe ngezikhathi zomsebenzi kuphela. Lapho sekuvaliwe emsebenzisi, isikhangiso kuyomele sisuswe phambi kwamehlo omphakathi.
- (5) Umasipala uyoqashisa ngendawo ehlelelwe ukubeka isikhangiso izinyanga ezingqi kweziyisithupa (6).

- (6) Abafake izicelo zokubeka amabhodi akhangisayo kuyomele basayine incwadi evikela umasipala ezinyathelweni zomthetho ezingathathwa ngabanye abantu futhi baphinde bathathe nomshwalense wokuvikela lokho.
- (7) Uma ngabe kuphulwa nanoma imuphi kulemigomo, umkhandlu ungabangela ukuba kususwe lezo zikhangiso.

26. UKUXHUNYWA KWEZIKHANGISO NEZINGQWEMBE EZINKULU

- (1) Zonke izikhangiso nezingqwembe zokukhangisa ziyoxhunywa ngokufanele futhi zakhiwe ngezinto eziqinile ezizogculisa umkhandlu.
- (2) Umsebenzi wokunakekela isikhangiso kuyoba ngowomuntu oxhuma noma owakha uqwembe lokukhangisa kanye nalowo ongumnini wesigxobo ekuxhunye kuso. Bayophinde baqinisekise ukuthi bahlola lesikhangiso okungenani kanye ngonyaka ukuze bazigculise ngokuphepha kwaso.
- (3) Zonke izikhangiso nezingqwembe kuyohlazwa kubuye kupendwe ngezikhathi ezithize ukuze zihlale zibukeka.
- (4) Kungenzeka umkhandlu ufune isitifiketi esifkazela ukuthi isikhangiso sixhunye ngendlela ephephile kulowo muntu ochazwe kumushwana 2(5).

27. IMIBANDELA MAYELANA NOKUDWETSHWA KWEZIKHANGISO

Imigomo engaphansi komushwana 2(13)

- (1) Incazelo “inkomba yolwazi” kusho uhlamvu, umaka, uphawu, isifingqo, iqoqo lezinombolo, imifanekiso ehlukeneyo kanye nezithombe.
- (2) Imibandela ngokudweba:
 - (a) akukho sikhangiso esiyoba nezinkomba zolwazi ezeqe kweziyi-10: ngaphandle kwezindawo ezinamagama amade, lapho lawo magama eyobalwa njengezinkomba ezingeqile kwezine uma ebhalwe kanye kumgwaqo ngamunye futhi efana ngayo yonke indlela ngokubhalwa, umbala, nobukhulu.
 - (b) Umbhalo ongu- 70mm noma ngaphansi ngobukhulu ngeke ubalwe njengenye yezinkomba zolwazi.
 - © Imibhalo eyingxenye yokwakhiwa kwesakhiwo, okanye eboshelwe ngendlela ephephile kuleso sakhiwo, ngeke ithathwe njengengxenye yezinkomba zolwazi:
Uma ngabe:
 - (i) imibhalo ingakhanyiswa;
 - (ii) imibhalo ayakhiwe ngento ecwebezelayo;
 - (iii) imibala yaleyo mibhalo ayishayisani kakhulu nesetshenziswe kuleso sakhiwo;
 - (iv) imibhalo ayeqi kwama-50mm ngobugqinsi.

- (3) Ukwakhiwa kwesikhangiso- Uma ngabe kunohlobo lwesikhangiso olusetshenziswe njengesibonelo eselugunyaziswe kumkhandlu, asikho isidingo sokuba ezinye izicelo ezifanayo ziphinde zidlule phambi komkhandlu uma kuyizicelo ezibalulwe kumushwana 21 nekumele zilandele imigomo engaphansi komushwana 21(3).

28. IZINTO EZISETSHENZISELWA UKWAKHA IZIKHANGISO, AMABHODI OKUKHANGISA, IZIHENQO KANYE NOKUSEKELAYO

- (1) Yonke into eyinsimbi esetshenziswe lapho kwakhiwa isikhangiso, ibhodi lokukhangisa noma isihenqo, okanye esethenziswe ukusekela lezo zinto, iyopendwa okanye ivikelwe ngenye indlela efanele ukuthi ingadleki.
- (2) Lokho kokunamathelisa okunganamatheli entweni emanzi angeke kusetshenziswe lapho kwakhiwa isikhangiso, ngaphandle uma kungamabhodi okukhangisa okanye into exhunywayo echazwe kumushwana 4 (1) (d).

29. IZIKHANGISO EZIDINGA IZINTAMBO ZIKAGESI UKUZE ZISEBENZE

- (1) Zonke izintambo zikagesi ezixhunywe ukuze kusebenze isikhangiso ziyoxhunywa ngendlela ebukekayo.
- (2) Akukho sikhangiso esiyoxyhunywa ugesi ngaphambi kokuba kutholwe imvume yokwenze njalo kubaphathi ababhekele ugesi kuleyondawo. Uma kunesicelo sokuveza leyo mvume, kuyofanele lobo bufakazi bukhishwe.
- (3) Zonke izikhangiso ekumele zixhunywe kugesi, kubalwa nalezo ezichazwe kumushwana 4, kufanele zifakelwe isicelo semvume njengoba kuchazwe kumushwana 2(1).

30. UKWAKHIWA NOKUNAKEKELWA KWEZIKHANGISO KANYE NAMABHODI OKUKHANGISA

- (1) Uma ngabe umkhandlu unombono wokuthi isikhangiso okanye ibhodi yokukhangisa isesimweni esinobungozi noma sixhunywe ngendlela engaphephile, okanye siphazamisa ukusebenza kwezimpawu zomgwaqongandlela thize, kungenzeka uyalele umnini waso ukuba angene ezindlekweni asisuse okanye alungise lokho okuzobe kuchazwe umkhandlu Ingenkathi umthumela isaziso, singakapheli isikhathi esinqunyiwe.
- (2) Uma ngabe umkhandlu bona ukuthi isimo siputhuma kakhulu, okanye imibandela ebikhishwe ngaphansi kwesaziso esichazwe kumushwana (1) ayikafezwanga ngesikhathi esinqunyiwe, ungakwazi ukuthatha izinyathelo zokususa okanye ulungise lokho okudingekayo kwisikhangiso noma ibhodi lokukhangisa, bese izindleko zalowo msebenzi zikhokhwa ngumnikazi wesikhangiso.
- (3) Uma kuze kuphela izinyanga eziyi-12 emva kokuba kukhishwe imvume yokusebenzisa ibhodi lokukhangisa kungakenzeki lokho, umkhandlu ungakhipha umyalelo ukuba ibhodi lisetshenziswe ngesikhathi esinqunyiwe noma lisuswe.

31. IMITHETHO YEZOKWAKHA KAZWELONKE

Uma kukhona ukushayisana phakathi kwalemithetho yedolobha kanye nalowo ongamele ezokwakha kuzwelonke ka 1977, kuyosebenza umthetho kazwelonke.

32. IZIMALI EZIKHOKHWAYO

- (1) Nanoma ubani ofaka isicelo semvume pahmbi komkhandlu uyolindeleka ukuba akhokhe izimali ezifanele, futhi akukho sicelo esiyocutshungulwa ngaphambi kokuba sikhokhelwe lezo zimali.
- (2) Izinhlawulo ezikhokhwayo njengoba zichazwe kumushwana 34 ziyokhokhwa ngendlela elandelayo: (a) uma umuntu elahlwe icala, kuyomele akhokhe inhlawulo eyimali engeqi kwi R15,000 noma uma engakhokhi ngendlela, aboshwe isikhathi esingeqi ezinyangeni eziyi-12, (b) uma lowo eqhubeka nokuphula umthetho, uyokhokha imali eyi-R100 ngalolo nalolo suku enza ngalo okungekho emthethweni.
- (3) Imali eyokhokhwa umnikazi uma ngabe umkhandlu uze wazisusela wona izikhangiso imi ngaloluhlobo:
 - (i) uqwembe olunganamathelisiswe R100,00 ngalunye
 - (ii) uqwembe olunamathelisiwe R500,00 ngalunye
 - (iii) uqwembe oluphephezela emoyeni R1000,00 ngalunye
 - (iv) NgoMgqibelo kuyokhokhwa imali efanele kanye no 50% ngaphezulu
 - (v) NgeSonto kuyokhokhwa imali efanele, iphindwe kabili
- (4) Abasebenzi bomkhandlu banamandla okukhokhisa lowo muntu owenza okuphambene nalemithetho yedolobha noma ohluleka ukufeza imibandela ethize kulemithetho, imali engeqi ku R5000,00
- (5) Lezo zikhangiso esezishaqwe umkhandlu ngenxa yokuphulwa kwemithetho ethize, kodwa zingakalahlwa, zingabuyiselwa kumnikazi emva kokukhokhwa kwenhlawulo ngendlela elandelayo:
 - (a) lezo zikhangiso ezidonswayo ziyokhokhelwa imali yezindleko ezisuswe ngayo engakho ngaphansi kwama-R500.00 kanye ne-R100.00 ngaphezulu ngesikwele samamitha ngasinye kuleso sikhangiso,
 - (b) ezinye izikhangiso ziyokhokhelwa imali yezindleko ezisuswe ngayo engakho ngaphansi kwama-R500.00 kanye nama-R50.00 ngaphezulu ngesikwele samamitha ngasinye kuleso sikhangiso,
- © umkhandlu uyolahla lezoizikhangiso ezingazange zilandwe kuze kuphele izinyanga ezintathu.

33. UKUCEKELWA PHANSI KWEMPAHLA YOMKHANDLU

- (1) Akukho muntu onelungelo lokucekela phansi ishlahla, izintambo zikagesi, okanye enye yezidingonqangi ezingaphansi komkhandlu lapho kwakhiwa noma kususwa izikhangiso, amabhodi okukhangisa, izingqwembe nokunye.
- (2) Uma kukhona umonakalo owenzekayo, izindleko zokuwulungisa ziothwalwa umnikazi wesikhangiso njengoba kuchazwe kumushwana 36.

34. UHLELO LOKUNGENA NOKUHLOLA INDAWO

Umkhandlu uyoba nelungelo lokuba labo basebenzi abagunyazisiwe bakwazi ukungena kunoma iyiphi indawo ngenhloso yokuhlola ukuze baqinisekise ukuthi lemithetho yedolobha ilandelwa ngendlela efanele.

35. UKWEPHULWA KOMTHETHO

Nanoma ubani-

- (a) ophula noma ongalandeli imibandela ebekwe phansi kwalemithetho yedolobha
- (b) ophula noma ongalandeli imibandela ebekwe kwisaziso esikhishwe ngaphansi kwalemithetho yedolobha;
- © ophula noma ongalandeli nanoma imuhi umbandela okhishwe phansi kwalemithetho;
- (d) othula ulwazi olungesilo iqiniso lapho kufakwa isicelo njengoba kuchazwe kulemithetho yedolobha, lowo muntu uyobe wenze icala futhi uma egwetshwa uyohlawuliswa ngemali noma avelwe ejele njengoba kuchazwe kumushwana 31(2)(a); uma izenzo zokwephula umthetho ziqhubeka emva kokuba umkhandlu ususikhiphile isexwayiso, aphinde ahlawulele usuku nosuku njengoba kuchazwe kumushwana 31(2)(b) , futhi lapho esona okwesibili nangale, uyophinde ahlawuliswe ngemali noma ngokuvallelwa ejele njengoba kuchazwe kumushwana 31(1)(a).

36. IZISEKELO

Uma nanoma imuphi umuntu ethweswe icala eliphathelene nokudweba, ibhodi lokukhangisa noma uqwembe njengoba kuchazwe kumushwana 34:

- (a) kuyothathwa ngokuthi lesi sikhangiso, ibhodi noma uqwembe kubekwe nguye, okanye kubekwe noma kwakhangiswa ngenxa yakhe;
- (b) kuyothathwa ngokuthi umnikazi womhlaba lapho kubekwe khona isikhangiso, ibhodi lokukhangisa noma uqwembe nguye okubekile okanye kubekwe ngenxa yakhe;
- © kuyothathwa ngokuthi nanoma imuphi umuntu obehlele okanye ephethe umhlangano noma umcimbi, yedwa noma ngokuhlanganyela nabanye, nguye obeke zonke izikhangiso, amabhodi okukhangisa noma izingqwembe okanye kubekwe ngenxa yakhe;

- (d) kuyothathwa ngokuthi lowo muntu ogama lakhe livela kulezozikhangiso, bhodi lokukhangisa noma oqwembeni olukhangisayo, nguye obeke zonke izikhangiso, amabhodi okukhangisa noma izingqwembe okanye kubekwe ngenxa yakhe, ngaphandle uma kuvela ubufakazi obuchitha lokho.

38. UKUKHISHWA KWEZIKHANGISO NOMA AMABHODI

- (1) Uma kungumbono womkhandlu ukuthi lesi sikhangiso esibekiwe siphazamisa imvelo noma asihambisani nokubukeka kwendawo esibekwe kuyo, umkhandlu ungathumela incwadi yesaziso kumnikazi eyalela ukuba sisuswe noma kulungiswe okuthize kuso, kanye nanoma imuphi omunye umsebenzi ongahle uchazwe kuleyo ncwadi, kungakapheli sikhathi esinqunywe kuleyo ncwadi.
- (2) Uma ngabe lowo onikwe incwadi yesaziso echazwe kumushwana (1) ehluleka ukufeza imibandela ebekwe kuyo, umkhandlu okanye abasebenzi abajutshwe nguwo, banelungelo lokuba basuse lezo zikhangiso noma amabhodi.
- (3) Uma ngabe umkhandlu ususa isikhangiso, kuhlenganisa nesidonswayo, uyokwenza lokho ngaphandle kokukhokhela muntu uma kwenzeka lesi sikhangiso silimala ngenkathi sisuswa.
- (4) Izindleko ezichazwe kumushwana (2) eziyothwalwa ngumkhandlu lapho ususa isikhangiso, kubalwa naleso esidonswayo, ziyofunwa kumuntu othole incwadi yesaziso ochazwe kumushwana (1), kuthi uma ngabe bekukhokhwe idiphozi mayelana nokuxhunywa kwesikhangiso, kusetshenziswe yona ukukhokha lezo zindleko.
- (5) Nakuba kuchaziwe kimishwana (1), (2), (3) no (4), umkhandlu uyoba negunya lokuzisusela noma athumele kususwe nanoma isiphi isikhangiso ngaphandle kokubhalela umnino incwadi yesaziso uma isaziso: (a) siyingozi kubantu noma kwimpahla, (b) sinenhlamba, (c) siphula lemithetho yedolobha.

38. UKUTHUNYELWA KWEZAZISO

Lapho kunesidingo sokuthumela isaziso okanye olunye uhlobo lwencwadi, kuyothathwa ngokuthi leyo ncwadi umnino uyitholile uma ngabe ilethwe kuye uqobo noma itholwe inoma ubani ohlala naye ongaphezu kweminyaka eyi-16, okanye itholwe omunye wezisebenzi zakhe, noma uma ithunyelwe ngeposi ekhelini elibhaliswe ngokusemthethweni ezincwadini zomkhandlu; noma uma ngabe leyo kuyinkampani, uma ngabe leyo ncwadi itholwe ngomunye wabaqashwe kuleyo nkampani emagcekeni ayo okanye ithunyelwe ngeposi ekhelini laleyo nkampani. Nanoma isiphi isicelo esimayelana nalemithetho yedolobha esiyokwenziwa ngomlomo siyoqinisekiswa ngokuba silandelwe ngencwadi.

39. IZIKHALAZO

- (1) Nanoma ubani ofake isicelo noma ongahambisani nesinqumo somkhandlu angabhala incwadi yesikhalazo ayiqondise kuMphathi-Dolobha kungakapheli izinsuku ezingama-21 kuphume umyalelo womkhandlu njengoba kuchazwe kumushwana 2(8), achaze nezizathu zesikhalazo sakhe.

- (2) Isigungu esiyolela izikhalazo kuyoba ngamakhansela angazange abe ingxenye yokuhatha izinqumo ngaphambilini.
- (3) Leso sigungu kufanele siqale ukucubungula isikhalazo kungakapheli amasonto ayisithupa emva kokuthola lolo lwazi futhi kuthathwe nesinqumo kungakapheli isikhathi eside.

40. UKUCHITHWA KWEMITHETHO YEDOLOBHA

- (1) Imithetho yedolobha engamele ukuphathwa kohlelo lokukhangisa engu M.N 84 ka 1997 ngaphansi kwe Pennington yango 1999 , iyachithwa.
 - (2) Konke okwenzeke ngaphansi kwemigomo yemithetho yedolobha esichithiwe ngenhla kusigaba (1) kuyothathwa njengokwenzeke ngaphansi kwemithetho emisha, ngakho-ke konke kuyoqhubeka kube semthethweni.
 - (3) Lezo zikhangiso ebezivele zikhona njengoba kuchazwe kwisigaba (2) ngenhla, ziyosebenza isikhathi esiyiminyaka emithathu, emva kwalokho seziyothathwa njengezingekho emthethweni.
 - (3) Nanoma isiphi isicelo esesiphambi komkhandlu ngenkathi kuqala ukusebenza kwalemithetho yedolobha emisha, siyophathwa ngemigomo yalemithetho emisha.
-

