



KWAZULU-NATAL PROVINCE  
KWAZULU-NATAL PROVINSIE  
ISIFUNDAZWE SA KWAZULU-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)*

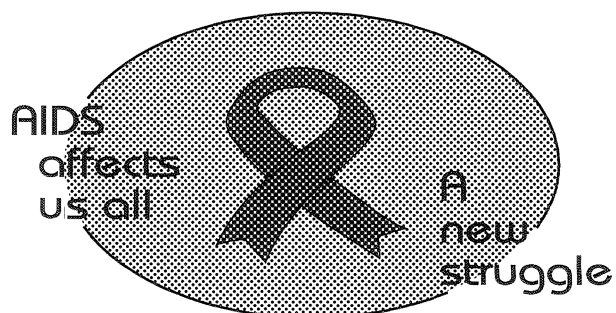
PIETERMARITZBURG,

**Vol. 9**

31 MARCH 2015  
31 MAART 2015  
31 kuNDASA 2015

**No. 1350**

**We all have the power to prevent AIDS**



**Prevention is the cure**

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

*N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes*



9771994455008

**IMPORTANT NOTICE**

The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an "OK" slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender's responsibility to phone and confirm that the documents were received in good order.

Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

**CONTENTS**

<i>No.</i>		<i>Page</i>
<b>MUNICIPAL NOTICES</b>		
44	Business Act (71/1991): Umziwabantu Municipality: Draft Business Licensing By law .....	3
45	Local Government: Municipal Systems Act (32/2000) and Constitution of the Republic of South Africa Act (108/1996): Umziwabantu Municipality: Amended Outdoor Advertising By-law .....	21

---

MUNICIPAL NOTICES

---

No. 44

31 March 2015

# **Umuziwabantu Municipality**

## **Draft Business Licensing By-law**

**Umuziwabantu Local Municipality**  
**Business Licensing By-law**

Business licensing is governed by the Business Act No. 71 of 1991, which is a national law.

**Arrangement of sections**

1. Definitions
2. Businesses in respect of which a license is required
3. Businesses excluded from Businesses referred to in Schedule 1 of Business Act 71 of 1991
4. Declaration for registration
5. License application fee, process and procedure
6. Departments involved in business license application process
7. Operating a business at home (Residential Area)
8. Changing of ownership
9. Person carrying on businesses and who cannot submit proof of being issued with a valid Business License
10. Renewal of a Business License
11. Change of License Premises
12. Issue of duplicate License
13. Refusal, suspension or withdrawal of a license
14. Annual notification of carrying on of business
15. Offences and penalties
16. Notes regarding information required on application form
17. Commencement of By-law

## 1. Definitions

**'Approval'** means approved by an authorized official;

**'Authorised official'** means an official of the Council to whom it has delegated a duty, a function or power under these By-laws, in relation to the exercise or performance of that duty, function or power and includes any employee acting under the control and direction of such official;

**'Business Act'** means the Business Act, 71 of 1991, and includes the regulations made there under;

**'Business premises'** means the premises upon, in or from which the business is or to be carried on;

**'Carry on business'** means opening or keeping open of any premises for such purpose;

**'Council'** means Council of the Umuziwabantu Local Council and includes, in relation to a duty, function or power under these By-laws, a committee or official of the Council to whom it has delegated that duty, function or power;

**'Council Employee'** means any person employed by or working for the Council and receiving or entitled to receive any remuneration and other person whom so ever who in any manner assists in the carrying on or conducting the business of the Council;

**'Employer'** means any person who employs or provides work for any person and remunerates or expressly or tacitly undertakes to remunerate him / her;

**'Foodstuff'** means any foodstuff in the form of meals for consumption on or off the business premises;

**'License'** means a certificate or authorization given by the Council to a license holder to carry on a business in the Municipal jurisdiction;

**'License holder'** means a person who is the holder of a license;

**'Licensing authority'** means Umuziwabantu Local Municipality, or person or body designated or appointed under section 2 of the act as a licensing authority;

**'Officer'** means an official appointed by the Council to undertake Municipal duties and functions;

**'Premises'** means any land, building, structure, part of a building or of a structure;

**'Sell'** means to prepare, process, store, offer or display for sale;

**2. Business in respect of which a license is required (as per the Act).**

**Item 1: Sales storage or supply of meals or perishable foodstuff**

- (1) The carrying on of business by the sale or supply to consumers of:
  - (a) any foodstuff in the form of meals for consumption on or off the business premises; or
  - (b) any perishable food stuff
- (2) For the purpose of subitem (1) "perishable foodstuff" means any foodstuff or category of foodstuff declared by an Administrator by notice in the Official Gazette to be a perishable foodstuff in the province concerned for the purpose of this item.

**Item 2: Provision of certain types of health facilities or entertainment**

The carry on of business by:

- (a) Providing Turkish baths, saunas or other health baths
- (b) Providing massage or infra- red treatment
- (c) Making the services of an escort, whether male or female, available to any other person.
- (d) Keeping three or more mechanical, electronic or electrical contrivance, instrument, apparatus or devices which are designed or used for the purpose of recreation or amusement, and the operation of which involves the payment of any valuable consideration, either by the insertion of a coin, or disc therein or in an appliance attached thereto or in any other manner.
- (e) Keeping three or more snooker or billiard tables
- (f) Keeping or conducting a night club or discotheque
- (g) Keeping or conducting a cinema or theatre
- (h) Conducting adult premises referred to in section 24 of the Films and Publication Act, 1996

**3. Business excluded from business referred to in Schedule of Business Act 71 of 1991**

1. A business which is carried on by the State or a Local Authority.
2. A businesses which is carried on by a charitable, religious, educational, cultural, association, organization or institution of a public nature, if all profit derived from the businesses are devoted entirely to purpose of that or any other such association, organization or institution.
3. In the case of a businesses referred to in item 1 (1) of Schedule 1, such a business which is carried on:-
  - (a) by a social, sport or recreation club which is a non-propriety club and restricts the business to the sale or supply to its member and their guest of foodstuff for consumption on or in the business premises.
  - (b) by or on behalf of an employer for an employee as such of the employer.

#### **4. Declaration for registration**

##### **GENERAL INFORMATION**

##### **A. DECLARATION FOR REGISTRATION**

A declaration for registration must be furnished by:

- a) Every person (including an institution or company, etc.) who carries on an enterprise within the municipal area of jurisdiction.
- b) Every employer who employs a person (except any *bona fide* private or domestic servant)

##### **Notes:**

- I. An enterprise means any trade, business, profession or any other activity on a continuing nature, whether or not carried on for the purpose of deriving a profit. An enterprise will therefore include close corporations and institutions without profit motives, etc.
- II. Religious and charitable institutions of a public nature exempted from income tax in terms of Section 10(I) (f) of the Income Tax Act need to complete this form.

##### **B. PERSON RESPONSIBLE FOR COMPLETING DECLARATION**

In the case of:

- a) A sole proprietor – the proprietor
- b) A partnership – a partner
- c) A company – a director
- d) A close corporation - a member
- e) Informal trader

##### **C. BRANCHES AND TRADE NAMES**

When a person carries on various enterprises under different trade names or one enterprise through separate branches in the same municipal area, such person may register each enterprise or branch thereof separately using a separate Declaration for Registration for each enterprise or branch thereof.

##### **D. ADDRESS OF Umuziwabantu MUNICIPALITY**

The address to which this declaration must be submitted is:

Umuziwabantu Municipality  
Local Economic Development  
Business Licensing Section  
Postal Address:  
Private Bag X1023  
Harding  
4680

Street Address:  
10 Murchison Street  
Harding  
4680

**E. ENQUIRIES**

Enquiries of a general nature not requiring written confirmation may be made by telephone to the Licensing Secretary.

TELEPHONE NUMBER: 039 433 1205

**5. License application fee, process and procedure*****Application fee***

A once - off application fee (R228 including VAT @ applicable rate) must be paid to Municipal Treasure (Umuziwabantu Municipality)

Cheques must also be addressed to Umuziwabantu Municipality Finance Department. All applicants are requested to ensure that proof of payment (Receipt) is received after making payment.

***Application Process***

The applicant has to lodge an application of an apposite licence at the Umuziwabantu Municipal Offices (Main Office). The Business Licensing Officer or designated staff member has to advise the applicant on the following:

- Legislative provisions and process that are to be followed;
- The Council's policy;
- The applicable application fees as determined by the Council, and where to pay his / her applicable fee; and
- That the proof of payment is to be returned without delay.

The license application is processed by the Business Licensing Officer or designated staff member within 7 days from receipt of the duly completed application form and proof of payment. The details of the application shall be entered, without delay, into the Business Licenses Application Register.

The Business Licensing Officer or designated staff member has to, within 7 days from receipt of duly completed license application and proof of payment, request the responsible department / units in writing, to conduct inspection on the premises.

The following department / units are then requested in writing to conduct inspection:

- Environmental Health Services
- Town Planning
- Building Control
- Emergency Services
- Traffic

The responses of the sections / units are placed in the application file as soon as they are received.

Once the approval of all four departments has been received, Local Economic Development Unit will issue a Business License.

The license will be issued only once all five sections / units have returned a recommendation for approval.

### ***Application Procedure***

- The Local Economic Development Unit (Business Licensing) in Umuziwabantu Municipality requires written reports from the Town Planning Inspector, Building Inspector, Environmental Health Officer and Emergency Services and Traffic Departments.
- The premises will have to be inspected by Town Planning, Building, Environmental Health and Emergency Services for zoning and type of business activity, healthy and fire regulations.
- Due to the many regulations involved in obtaining a Business License, you should first contact Town Planning Department. They will compare the zoning of the site to the proposed activity, and will investigate whether the proposed activity may be permitted within the zoning. If permitted, then this is referred to as a Primary use right. If the zoning does not make provisions for the intended use, it would then either be handled by the respective council as a Departure or Special consent use.

### **Town Planning**

The Town Planning Department looks at the impact that the proposed business will have on the physical, social and economic characteristics of the area. Other issues that Town Planning look for is Access, Surrounding Amenities, Services ( Water, Electricity, Toilet, Refusal ), Compliance with the scheme, Coverage, Building lines, Parking area, Fencing, Ownership. Cognisance of the Liquor Act provision and other interfacing legislation should be considered.

### **Environmental Health**

The Environmental Health Section ensures that hygienic and clean conditions are maintained, to prevent any nuisance, any offensive conditions, or any condition that may be harmful or dangerous, water pollution and primary health.

### **Emergency services**

It is the Emergency services Department's responsibility to check that premises are in no way a fire hazard, and complies with all the necessary safety regulations. The Department ensures the standard requirement for Safety Services and L.P Gas Manifold Installation.

### **Building Control**

The Building Inspector ensures that the standard requirement for building control.

The Building must have a legal building plan, the building has to be accordance to the building plan, and the building must not collapse

If the above four (4) sections/ units have no objections, the license can be issued by council. Once granted, the premises may be inspected from time to time by any

authorised Officer from any of the Section mentioned. Inspection can be done of the premises, vehicles, goods or records of the business to ensure that they conform to stipulated regulations.

### **Traffic**

The road traffic inspectorate will inspect premises as according to the National Traffic Act and its regulations.

## **6. Departments involved in business license application process**

Those departments are:

- Economic Development and Growth
- Environmental Health
- Town Planning
- Building Control
- Emergency Services
- Traffic

### **(a) Economic Development and Growth**

The role Economic Development and Growth are as follows:

1. Processing of business licensing applications by opening official application file and ensuring payment of applications fees in order to ensure and maintain a record of all applications and monies.
2. Forwarding of inspector reports to the relevant Department to ensure that necessary inspection are carried out on a particular application I order that the Business Licensing Procedure is adhered to in terms of the Business Licensing Act.
3. Collecting of all inspectors reports by physically followed on inspectors and collecting reports in order to ensure that applications are processed within a limited time frame.
4. Filing of computer records of all applications by capturing data onto the computer and filing relevant application in order to ensure safety and the maintenance of a database.
5. Issuing of the Business License
6. Routine visits to businesses requiring Licensing (Schedule 1 of the Businesses Act, 1991 (Act No. 71 of 1991))

### **(b) Environmental Health**

The standard requirements for Healthy Services are:

No food is to be handled on premises in respect of which a valid certificate of acceptability has not been issued

1. Floors to be constructed of hard impervious material brought to a smooth finish.
2. Ceiling must be dust proof, smoothly finished and painted with a light coloured impervious and washable paint.
3. Lighting and ventilation to be provided in accordance with the provisions of the National Building Regulation.

4. A double bowl sink with a piped supply of hot and cold running water for the washing of all equipment. A supply of soap or other cleaning agents and cleaning materials must be provided.
5. Provide a wash hand basin with hot and cold running water within the food preparation area. A supply of soap or other cleaning agents and clean hand drying material or hand drying equipment must be provided.
6. Refrigeration facilities for perishable foodstuffs with temperature control.
7. All tables, equipment and furniture to be of stainless steel or other approved smooth and impervious material.
8. Provide suitable extraction facilities consisting of canopy, removable filters, extractor fan and ducting to the external air for removal and treatment of gases, vapours, steam and pollutants.
9. Adequate storage space must be provided- storeroom, shelving, cupboards.
10. Provide suitable refuse receptacles with lids.
11. A refuse area constructed of concrete or other impervious material for the placing of refuse bins to be provided in an approved position in the yard, such area to be roofed, kerbed, graded and drained to a gulley connected to the drainage system with a piped water supply.
12. Provide Changerooms / Lockers for staff –0.6m<sup>2</sup> per person.
13. No room in which food is handled shall have direct communication with any area that could contaminate or spoil food i.e. toilets.
14. Toilets facilities to be provided on the premises.
15. Toilets to be ventilated to external air by means of ventilated lobby or extractor fans and / or the provision of a self closing door.
16. All food premises shall be rendered rodent proof in accordance with the best available method.
  - I. External door
17. Provide effective means of insect control
18. No live animals or birds are to be kept on the premises
19. Ensure compliance with regulations in respect of duties of a person in charge of Food Premises
20. Ensure compliance with regulations in respect of duties of a food Handler
21. Designate smoking and non-smoking area including display of proper signs
22. Provide suitable protective clothing for food handlers

### **(c) Emergency Services**

The standard requirement for Safety Services and L.P Gas Manifold Installation

1. Installation to comply with the requirement of SABS 087-1-1997. Doors and windows (1m) as well as drains (2m) must comply with required safety distance.
2. Install 1x 9 kg (D.C.P) fire extinguisher (to be installed in waterproof housing).
3. The installation must be painted and colour coded.
4. "No Smoking" and "No Naked Light" signs must be installed in accordance with SABS 1186.
5. All gas lines must be at least 150mm from any electrical cable.
6. Installation must be installed by qualified competent person.

7. The pressure test certificate must be completed by the installer and submitted to the Fire Authority.
8. The main shut-off valve (inside and outside) the building must be rebelled.
9. All electrical installation must comply with SABS 0108—1995.
10. Metal cage and double outward opening gates (lockable) to be installed.
11. All mandatory fire equipment to be present at all times and is to be maintained in good working order.
12. Concrete slab to be at least 100 mm thick.
13. No unauthorized persons allowed in the cage under any circumstances.
14. The area around the cage to be kept clear of all combustible material and possible obstacles which may hinder access to said facility.
15. All gas to be at least 150 mm from any electrical cables.
16. Installation to be carried out by a qualified gas installer.
17. All pipework and fittings to comply with SABS 087 Part 1 to 7, 1975
18. All equipment to comply with SABS 087.

#### **(d) Building Control**

The standard requirements for Building Inspector are:

1. The Building must have a legal building plan.
2. The building has to be accordance to the building plan.
3. The building must not collapse.
4. Access
5. Services ( Water, Electricity, Toilet, refuse collection )

#### **(e) Town Planning**

The requirements for Town Planning are:

1. Access
2. Surrounding Amenities
3. Services ( Water, Electricity, Toilet, Refusal )
4. Compliance with the scheme
5. Coverage
6. Building lines
7. Parking area
8. Fencing
9. Ownership

#### **(f) Traffic Department**

The road traffic inspectorate will inspect premises as according to the National Traffic Act and its regulations.

### **7. Operating a Business at home (Residential Area)**

To be able to run a business at the home (residential area) you must have a special consent, which is granted by the Council.

The following is the process involved for making a special consent application.

- ACTION 1:** Any person desirous of obtaining the Special Consent of the Local authority for the erection and use of a building or the requirement such Special Consent, shall make application in writing setting out full particulars and reasons, and such applications shall be submitted in duplicate. Such application shall be accompanied by the required application fee.
- ACTION 2:** At his own expense the applicant shall publish once, in two official languages, a notice in a newspaper or newspaper approved by the local authority and circulating in the local authority area. This notice shall set out concisely the particulars of his application and shall call on any objectors there to lodge their written objections with the council and with the applicant not later than 21 days after publication. The notice shall further state where any plans, particulars and other documents relating to the application may be inspected. The applicant shall forward to the council a copy of that page of the newspaper containing the notice or certified proof of the publication.
- ACTION 3:** On the date of advertising the applicant shall exhibit a notice, in a form approved by the local authority, in a prominent position on the property. This notice shall be properly and adequately maintained for a period of not less than 21 days. The notice shall be clearly visible from any street or streets giving access to the property. Within seven days after the expiry of the period mentioned above the applicant shall lodge with the council proof, in the form of an affidavit, that this notice was display for a continuous period of 21 days.
- ACTION 4:** Simultaneously with the advertising of an application the applicant shall serve a notice, either by hand or by registered post, upon such person as the local authority may indicate.
- ACTION 5:** Any person objecting to the application may lodge a written objection, in duplicate, with the council and a copy thereof with the applicant, either by hand or by registered post setting out the full ground of the objection not later than 21 days from the date of publication of the notice.
- ACTION 6:** The local authority shall take into consideration any objections received within the said period and shall, within a period of 2 months of the receipt of the application or the appearance of the advertisement, whichever is the later, come to a decision upon the application and shall within 14 days thereafter, notify by registered post the applicant and person, if any from whom

objectives were received of its decision, either with or without conditions.

**ACTION 7:** Any applicant or person who has objected to the application and who feels aggrieved by any decision may, within 21 days of being notified of the decision or order, give notice to the council of his / her intention to appeal to the appeals Board in terms of section 67 of the ordinance. Any person giving notice of his intention to appeal shall at the same time, if he is an applicant, notify any person who is an objector or if he is an objector notify the applicant and other objector.

**ACTION 8:** Where any objection has been received in respect of any application, the decision of the local authority shall not take effect until the expiration of 21 days from the date on which the applicant or any objector were notified of the decision of the local authority provided that where the applicant or objector has given notice of his intention to appeal the decision of the local authority shall not take effect until the appeal has been disposed of and then shall be subject to the outcome such appeal.

## **8. Changing of ownership**

To change the ownership of the business means that the new owner or prospective new owner of the premises have to re-apply for trading license. The same procedure of processing applications will be followed when processing the new application.

## **9. Persons carrying on businesses and who cannot submit proof of being issued with a valid Business Licensing**

The Business License Official shall, when visiting an existing licensed business premises:

- Introduce himself/herself to person in control of the business.
- Identify himself/herself by producing his/her ID card
- Request a person in control of the business to produce his/her Business License

The Business License Official shall follow the following process if any person who carry on business which requires a license in terms of the provisions and requirement of the Business Act fails to produce his/her Business License to him/her.

- The Business License Official shall request the person in writing to produce his/her trading license at his/her office within fourteen (14) days of the date of his/her notice.

The Business License Official shall regard any failure by a person to produce a valid Business License as that person not being in the possession of a valid Business License.

The Business License Official shall visit the business premises within seven (7) days of the expiry date of his/her notice to determine whether the person in control of the business is still carrying on business in contravention with the provision of the Act.

The person shall be served with the letter forces him/her as a person in control of the premises to lodge the application for trading license.

If the she/he still carrying on business in contravention with the provision of the Act, further legal action will be taken against him/her.

#### **10. Renewal of the Business License**

Every Business License holder within Umuziwabantu Municipality is required to renew the business license in every year no later than the last day of their anniversary month at 15h00. Business License holders are required to apply 3 months before the closing date. Failing to renew your business license on the notification period will result on being suspended as a license holder and you will be required to re-apply or applicable penal provisions will be effected.

The renewal fees of the Business License are R200.00.

#### **11. Change of Licensed premises**

A license issued in respect of a business referred to in Item 1 and 2 of Schedule 1 of the Business Act 71 of 1991 shall only be valid in respect of the premises described there in.

#### **12. Issue of duplicate license**

Where a valid license is lost or destroyed, the license holder therefore may apply in writing to the Umuziwabantu Licensing Authority for the issue of a duplicate of such license, and if the Licensing Authority is satisfied that the license is in fact lost or destroyed, it shall issue a duplicate of such license. The duplicate fee will be R50 which must be payable at Municipal Treasure (Main Office) and ensure to submit the duplicate receipt (Proof of Payment) to a Business License Officer for filling purpose.

#### **13. Refusal, suspension or withdrawal of a license**

- A license holder who, having been noticed in terms of section 2(10) (a) of the Act that his license has been suspended or withdrawn, carries on business during the period of such suspension or, in the case of withdrawal of his license, after such notification, shall be deemed to be carrying on business without license and shall be guilty of an offence.
- A license Authority shall, when notifying a license holder of the suspension of his license, specify the steps required to be taken by him to enable the suspension of his license to be lifted and the period within which such steps must be completed.

- If the license holder fails to fulfil the requirement of a notice advising him of suspension of his license to the satisfaction of the licensing authority, it may withdraw the license.
- A person whose application for a license has been refused or whose license has been withdrawn shall not re-apply for a license of the same category or in respect of the same premises, whichever is applicable, unless the matters upon which such refusal or withdrawn were based have remedied or resolved to the satisfaction of Umuziwabantu licensing authority.

#### **14. Annual notification of carrying on of business**

In every last anniversary month of a year, Umuziwabantu Licensing Authority will post to every license holder a form on which such license holder is required to provide the following information:

(a) Confirmation that the business for which the license was issued is continuing to be conducted from the premises specified in the license, and that no other business for which a license is required in terms of the Business Act is being conducted from the same Licensed premises

(b) - in the case of registered company or close corporation, the full name and Registered address of that company or close corporation \

- in every other case, the full name, postal address, street address and residential

Address of every person having a propriety interest in that business

- in the case of a business referred to in Item 2 of Schedule 1 to the Business Act,

The name of the person in actual control and effective control of the business

The completed and signed form shall be lodged with Umuziwabantu Municipality by every license holder on the working days of January in each year.

#### **15. Offences and penalties**

<b>Offence Code</b>	<b>Description of Offence</b>	<b>Fine</b>
UMUZ/LA/001	Carry of business by the sale or supply of foodstuffs in a form of meal without being the holder of an apposite license for the business premises concern	<u>R 1000.00</u>
UMUZ/LA/002	Carry on of a business contrary to a condition	<u>R 1000.00</u>
UMUZ/LA/003	Fail to produce a Business License on request by an inspector	<u>R 500.00</u>
UMUZ/LA/004	Refuse or fail, without just course, to answer any question which an Business Licensing Inspector has put to him or her in the exercise of his powers	<u>R 500.00</u>

UMUZ/LA/005	Make a statement to an Business License Inspector, which is false or misleading, knowing it to be false or misleading	<u>R 500.00</u>
UMUZ/LA/006	Hinders or obstructs an Business License Inspector in the exercise, carrying out or performing of his powers, duties or functions	<u>R 500.00</u>
UMUZ/LA/007	<u>Sleeps over at night at the business premises</u>	<u>R 500.00</u>
UMUZ/LA/008	<u>Advertises goods outside their business premises</u>	<u>R 1000.00</u> <u>Goods will also be confiscated by the municipality</u>

**\*NB** – All these fines are fixed, however, Business Owners are warned that should they continuously be found guilty of the same offence, the penalty fees will increase by a percentage decided by the Council as and when the offence continues.

#### **16. Notes regarding information required on application form**

##### **1. APPLICANT DETAILS**

Full names  
Address (physical)  
ID No.

##### **2. TRADE NAME**

Furnish the name under which the enterprise currently trades or is commonly known e.g. "XYZ Supermarket" or "XYZ Club" or "Gwamanda B&B".

##### **3. REGISTRATION/IDENTITY NUMBER**

Furnish as follows in the case of:

- An individual/sole proprietor- business registration number.
- A private company, close corporation or institutions which are duly registered with the Registrar of Companies/Close corporations etc, the registration number.
- Registration number issued by District Council.

##### **4. NATURE/TYPE OF ENTERPRISE**

- Mark with an X the applicable nature of the enterprise.
- Ensure the nature of the enterprise corresponds to the name/details of the enterprise that is furnished under 1 & 3 above.
- If the enterprise is in the form of a head office with branches, please indicate the number of such branches in operation. Also, kindly supply the name & address of each branch on a separate schedule.
- The nature of the enterprise may be categorised as follows:
  - Individual – Sole proprietor or owner of business (i.e. where the person is not also one of the under mentioned)

- ii. Partnership - a minimum of 2 or more owners of a business enterprise with a maximum of 20 partners, except for a business which can be classified as an organised profession.
- iii. Company – Private (Pty) (Ltd) or Public (Ltd) company registered with Registrar of Companies in terms of the Companies Act.
- iv. Close Corporations – Close Corporations (CC) registered in terms of the Close Corporations Act.
- v. Branches – for the enterprises who have registered branches separately and which has no separate legal identity.
- vi. Associations not for gain – Welfare Organisations, Non- Governmental Organisations, Non-Profit making Organisations, Body Corporate, Companies registered in terms of Section 21 of the Companies Act.
- vii. Other – Sports and Social Clubs, Trusts registered with the Master of the Supreme Court Deceased Estates.

5. PHYSICAL BUSINESS ADDRESS

- a. Furnish the business address from which the enterprise trades. This may not be a post office box number.
- b. In the case of property owning/rental companies, the address where the property is situated is to be furnished.
- c. In the case of Branches, the address of each Branch is to be furnished on a separate schedule as requested in Item 4.

Examples illustrated below:

- 1. Shop 5, 2<sup>nd</sup> floor, Main XXXX Building  
Murchison Street  
HARDING  
4680

- 2. Brown Farm  
District Road  
Harding  
4680

6. POSTAL ADDRESS

- a. Furnish the postal address of the owner referred to in item 1 for the purpose of correspondence and the serving of notices and legal process.
- b. Note that the postal address for rendering accounts has been catered for in item 11.
- c. If the postal address is the same as the physical address, please leave blank.

7. NATURE OF ACTIVITIES CONDUCTED

Describe type of services rendered in terms of section 4 above.

**8. LANGUAGE PREFERENCE**

- a. Furnish the language medium for statistical purposes

**9. DETAILS OF RESPONSIBLE PERSON**

Furnish details as follows:

- a. An individual – name/surname etc. of Sole proprietor or owner (These details should correspond to 1 & 3 above)
- b. A partnership – name/surname of the Senior or Managing Partner.
- c. A Company – name/surname of the Managing Director (for the record please furnish all the names of the Directors of the Company on a schedule. A company letterhead detailing this information will suffice)
- d. A Close Corporation – name/surname of the majority or managing member (also for the record please furnish all the names of the members of the close Corporation on a separate schedule. A Close Corporation letterhead detailing this information will suffice)

**10. POSTAL ADDRESS FOR RENDERING OF ACCOUNTS**

- a. Furnish the postal address for the purpose of rendering accounts.
- b. If this address is the same as the postal address in item 6, please leave blank.

**11. PARTICULARS OF OWNER OR LETTING AGENT OF THE PROPERTY INDICATED IN ITEM 5**

- a. If the property indicated in item 5 is not owned then furnish the particulars of the person to whom the rental for the premises occupied is paid.
- b. If the property is owned by the person or entity in item 1 above, state "owner".

**12. NUMBER OF EMPLOYEES**

Furnish separately:

- a. The total number of salaried employees in the business.
- b. The total number of wage employees in the business.
- c. The total number of persons making drawings (individuals and partnerships only), including trusts.

**13. BUSINESS COMMENCEMENT DATE**

- a. Furnish the date the business commenced trading.
- b. If the exact day is not known, the month and year will suffice.
- c. If the business commenced trading before 1 July 1991, then indicating 01791 would suffice.

**14. DECLARATION OF PERSON COMPLETING THE FORM**

- a) This Section must be completed in full.
- b) If the accountant, Accounting Officer or Bookkeeper signs on behalf of the responsible person, they must ensure that they have the necessary authority (implied or express) to do so.

**15. REQUIREMENTS**

1. Certified copy of applicant and responsible person(s) identity documents.
2. Application for certificate of acceptability

3. Businesses which are to trade in foodstuffs in any form must contact the Environmental Health Services to ascertain the relevant health requirements before the business is opened for trading or the proposed premises are occupied. The attached application for a certificate of acceptability must be completed by the applicant and must be returned with this business application form.
4. in terms of regulation 6(2) of the Regulations published by the Administrator under section 6(1)(a) of the Act, an application shall be accompanied by:
  - a) the written consent of the landlord, if any;
  - b) In the case of an application lodged on behalf of a registered company. The certificate of Incorporations of such company and
  - c) in the case of an application lodged on behalf of a Close Corporation, the founding statement of such CC and

In the case of premises not previously licensed for the type of business intended to be undertaken by the applicant, building plans of such premises to the satisfaction of the Licensing Authority.

#### **17. Commencement of By-law**

This By-law be cited as Umuziwabantu Municipality Business Licensing By-law and commences on the date of approval by the Council and subsequent publication in the Government Gazette thereof.

No. 45

31 March 2015

**UMUZIWABANTU MUNICIPALITY****AMENDED OUTDOOR ADVERTISING BY-LAW*****Adopted by Council on: .../.../2013***

Note, words in italics indicate insertions in the principal Bylaw.

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government: Municipal Systems Act, 2000 {Act No.32 of 2000}, read with Section 162 of the Constitution of the Republic of South Africa Act, 1996 [Act 108 of 1996], the ***Outdoor Advertising By-Laws***.

**GENERAL PURPOSE OF THE BY-LAW**

The general purpose of the principal Bylaw is hereby substituted for the following paragraph:

*To provide for the regulation and management of activities on and in respect of outdoor advertising, and to provide for matters in connection therewith within the jurisdiction of the Umuziwabantu Municipality.*

## INDEX

	<b>Page</b>
<b>CHAPTER 1: DEFINITIONS</b>	<b>3</b>
1. Definitions	3
<b>CHAPTER 2: APPLICATION</b>	
2. Application of Regulations	8
<b>CHAPTER 3: TYPES OF ADVERTISEMENTS</b>	<b>10</b>
3. Temporary and portable advertisements	10
4. Display of permanent advertisements prohibited	11
5. Application for display of permanent advertisements	11
6. Consideration of application of display of permanent advertisements	12
7. Sign-boards affixed to buildings	14
8. Advertisement painted on buildings	15
9. Ground sign-boards	15
10. Flashing advertisements	15
11. General prohibitions relating to advertisements	15
13. Construction of sign-boards	16
14. Maintenance of permanent advertisements	17
15. Alterations of and additions to permanent advertisements	18
16. Removal of permanent advertisements	18
17. <i>Right of appeal</i>	19
18. Delegation of Council's powers	19
<b>CHAPTER 4: GENERAL PROVISIONS</b>	<b>19</b>
19. Offences	19
20. Repeal of By-laws	19
21. Short title and commencement	20

## CHAPTER 1

### DEFINITIONS

Chapter 1 is hereby amended by the insertion of the following definitions which are indicated in italics.

#### Definitions

1. In this Bylaw, unless the context otherwise indicates

*“advance sign” means a sign indicating the direction or distance to a facility, locality, activity, service or enterprise;*

*“advertisement” means any visible representation of a word, name, object or of an abbreviation of a word or name, or of any sign or symbol which is not intended solely for illumination or as a warning against any danger;*

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

*“affix” includes to paint onto or attach to and “affixed” has a corresponding meaning;*

*“animation” means a process whereby an advertisement’s visibility or message is enhanced by means of moving units, flashing lights, digital enhancement or similar devices;*

*“arcade” means a covered pedestrian thoroughfare vested or 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 or unrestricted access.*

*“authorised official” means any official of the Council who has been authorised by the Council to administer, implement or enforce the provisions of these bylaws;*

*“balcony” means a platform projecting from a wall, enclosed by a railing, balustrade or similar structure, supported by columns and accessible from an upper-floor door or window;*

***"banner"** means a piece of cloth or similar material which an advertisement is displayed in such a manner that it is legible in windless conditions and is attached to one or more ropes or flagstaff that projects vertically, horizontally or at any angle from the building or structure to which it is attached but excludes a banner carried as part of a procession;*

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

***"building"** means any structure whatsoever with or without walls, with a roof or canopy and a means of ingress and egress underneath such roof or canopy;*

***"building control officer"** means any person appointed or deemed to be appointed as a building control officer by the Council in terms of section 5 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);*

***"building line"** means a building line determined under a town planning scheme or any other law or document that has a force of law,*

***"combination sign"** means a single, free-standing advertising structure for displaying information on various enterprises and services at locations such as roadside service areas, urban shopping centres and other urban complexes;*

***"clothing"** means an outfit, garment or attire.*

***"Council"** means the council of the Umuziwabantu Municipality and its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws;*

***"device"** means any physical device which is used to display an advertisement or which is in itself an advertisement;*

***"direction sign"** means a guidance sign provided under the Southern African Development Community Road Traffic Signs Manual as stipulated in the National Road Traffic Regulations, 2000 and used to indicate to road users the direction to be taken in order that they may reach their intended destination;*

**"display"** means, in relation to an advertisement, to display the advertisement within public view;

**"dwelling house"** means one dwelling unit forming a single building;

**"dwelling unit"** means an interconnected suit of rooms designed for occupation by a single family irrespective of whether the dwelling unit is a single building or forms part of a building containing two or more dwelling units;

**"election"** means a national, provincial or local government election, any by-election and a referendum held in terms of any law;

**"flag"** means a piece of a cloth or similar material upon which an advertisement is displayed and which is attached to a single rope, pole or flagstaff, projecting vertically, horizontally or in any angle in such a way that its contents are normally not legible in windless conditions.

**"flat sign-board"** means any sign-board affixed to a wall and which at no point projects more than 230 mm from the surface of the wall;

**"forecourt"** means an outdoor area which forms a functional part of a building housing an enterprise, and may include the area at a filling station where the pumps are situated, a terrace in front of a restaurant or café, a sidewalk café, or a similar enterprise, and any enclosing fence, wall, screen or similar structure forms part of a forecourt, but does not include a sidewalk area, which is intended for pedestrian circulation, in front of a business premises;

**"free-standing sign"** means any immobile sign which is not attached to a building or to any structure or object intended to be used for the primary purpose other than advertising;

**"freeway"** means a road designated as a freeway by means of a road traffic sign;

**"gantry"** means a structure usually erected over a street or road with a horizontal beam on which signs are placed;

**"ground sign-board"** means any sign which is affixed to the ground and is not attached to a building;

**"height"** means the vertical distance between the uppermost edge of the sign and the level of the ground, footway or roadway immediately below such a sign;

**"illuminated"** with reference to an advertising structure means that the advertising structure has been installed with electrical or other power for the purpose of illumination of the message displayed on the structure;

**"illuminated sign"** means a sign the continuous or intermittent functioning of which depends upon it being illuminated;

**"intersection"** means that area with a prolongation of a lateral boundary lines of two or more streets open to vehicular traffic that join one another at any angle;

**"interested party"** means a person who has in terms of these Bylaws submitted an application or submitted comments or an objection including representations in respect of any such application;

**"location sign"** means a guidance sign provided under the Southern African Development Community Road Traffic Signs Manual as stipulated in the National Road Traffic Regulations, 2000 and used to identify places or locations which either provide reassurance during a journey, or identify destinations such as towns, suburbs or streets near the end of a journey;

**"mobile sign"** means an advertisement attached to or displayed on a vehicle, vessel or craft on land, on water or in the air;

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

**"owner"** means, in relation to-

(i) a property, the person registered as the owner or holder thereof and includes the trustee in an insolvent estate, the liquidator of a company or close corporation which is an owner and executor or any owner who has died or the representative recognized by law of any owner who is a minor or of unsound mind or is otherwise under disability provided such trustee, liquidator, executor or legal representative is acting with the authority conferred by him or her by law;

(ii) an advertisement sign, the person who owns such a sign or advertisement and any person who has a right to or share in the ownership of such a sign;

**"poster"** means any placard announcing or attracting public attention to any meeting, event, function, activity or undertaking, or to the candidature of any person nominated for election to parliament, local government or any similar body, or to a referendum, or any placard advertising any product or service or announcing the sale of any goods, or property;

**“projecting sign-board”** means any sign-board affixed to a wall and which at any point projects more than 230 mm from the surface of the wall;

***"property"** means any unit of land, including a public place, registered as a separate entity of land in the Deeds Office and includes any unit of land and buildings contemplated in the Sectional Titles Act, 1986 (Act No. 95 of 1986) and any public place depicted on the general plan of the township;*

***"public street"** means a road, street, or thoroughfare or other right of way to which the public has a right of access or which is commonly used by the public and includes a portion of the public street between the edge of the roadway and the boundary of the land reserved for such a street including a sidewalk;*

***"residential building"** means a building other than a dwelling house or a dwelling unit, designed for use or used for human habitation and includes a flat, guesthouse, hotel, boarding house, backpackers, and a residential club;*

***"road traffic sign"** means any sign, signals, markings or other devices used to regulate or control traffic in general.*

***"roadway"** means that portion of the road, street or thoroughfare intended for vehicular traffic.*

***"sidewalk"** means that portion of a verge intended for exclusive use of pedestrian.*

***“roof”** means any roof of a building but does not include that portion of a roof which is the roof of a verandah or balcony;*

***“sign-board”** means any structure or device used or intended or adapted for the display thereon of an advertisement;*

***“sky sign-board”** means any sign-board affixed to a roof or the top of a parapet of a roof;*

***“street furniture”** means public facilities and structures which are not intended*

*primarily for advertising, but which are provided for pedestrians and commuters, and includes seating benches, planters, pavement litter bins, pole-mounted bins, bus shelters, pavement clocks, telephone booths, traffic signal control boxes, and drinking fountains;*

***temporary sign*** means a sign not permanently fixed and not intended to remain fixed in one position;

***unauthorised sign*** means a sign, the display of which is subject to specific consent and which is displayed without such consent;

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

## **CHAPTER 2**

### **APPLICATION**

#### **Application of regulations**

2. (1) Subject to the provisions of sub-section (2), this Bylaw shall apply to all advertisements displayed or to be displayed within the area of jurisdiction of the Council.

(2) The following categories of advertisements shall be exempted from the provisions of this Bylaw:

- (a) an advertisement, commonly referred to as builders' or contractors' boards, displayed within the boundaries of any erf during the course of building operations including plumbing, electrical wiring, painting and renovations;
- (b) an advertisement relating to the immediate sale of newspaper within the public road; provided the advertisement does not obstruct vehicular or pedestrian traffic or the lines of sight of drivers or pedestrians;
- (c) an advertisement required to be displayed by law;
- (d) an advertisement displayed on any vehicle which is being used on a public road; provided that the main purpose for which that vehicle is being used is not to display such advertisement;
- (e) an advertisement affixed to or painted on any part of any building other than a

dwelling-house which indicates only the following:

- (i) the name or address of such building;
- (ii) the name of the occupier or owner thereof;
- (iii) a general description of the type of business lawfully carried on in such building;
- (iv) the hours of attendance or business; and
- (v) the telephone number of such business;

provided that such advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m<sup>2</sup> in area and does not project more than 100 mm from the surface to which it is affixed;

(f) an advertisement affixed to or painted on any part of any building used as a dwelling-house which merely indicates -

- (i) the name or address of the dwelling-house; and
- (ii) the name of the owner or occupier the dwelling house;

provided that such advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m<sup>2</sup> in area and does not project more than 100 mm from the surface to which it is attached;

(g) an advertisement designed solely for the issuing of any direction, request or warning to any person entering upon an erf or premises on the erf; provided that such advertisement is displayed within the boundaries of the erf and provided that the advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m<sup>2</sup> in area;

(h) an advertisement advertising the sale or lease of any erf, or the fact that such erf has been sold; provided that such advertisement is displayed within the boundaries of the erf and provided that the advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m<sup>2</sup> in area; and

(i) an advertisement displayed from the interior of any building enclosed by walls, windows and doors.

## **CHAPTER 3**

### **TYPES OF ADVERTISEMENTS**

#### **Temporary and portable advertisements**

##### **3.(1) Any advertisement -**

- (a) intended to be displayed solely for or in connection with a particular event including but not limited to an election or referendum; or
- (b) displayed on any sign-board intended or adapted to be carried or conveyed, shall only be displayed with the prior written consent of the authorised official and subject to the requirements of sub-section (2) and any other conditions which the authorised official may impose.

The following paragraph is hereby inserted after section 3 (1)

*(c) The display, at a special event such as a sporting event and a festival, of a temporary sign containing the name of the sponsor is subject to specific consent, and the sign may be located beyond the boundaries of the demarcated area in which the event takes place.*

##### **(2) Any advertisement displayed in terms of subsection (1) shall –**

- (a) not exceed 1,0 m<sup>2</sup> in area (*substitution of 0,8m<sup>2</sup> for 1,0 m<sup>2</sup>*); and

The following section is hereby inserted after paragraph 3 (2) (a)

- (b) Advertisements for national, provincial and local elections shall be displayed not more than six (6) months before the election date and shall be removed within a period of fourteen (14) days after the date of the election.*

The following subsection is hereby inserted after paragraph (b)

- (c) Advertisements for festivals and events of similar nature shall be displayed not more than three (3) months before the date of the event and shall be removed within a period of fourteen days after the event.*

- (3) Every application for permission in terms of sub-section (1) shall be accompanied by a fee and a deposit prescribed by the Council, the deposit being refundable when all advertisements concerned have been removed to the satisfaction of the authorised official.
- (4) Any person who, having displayed or caused to be displayed any advertisement in respect of which approval has been given under sub-section (1), fails to remove it or cause it to be removed within the relevant time, shall be guilty of an offence and the authorised official shall be entitled to remove any such advertisement and deduct from any deposit made in terms of sub-section (6) the sum of R50.00 in respect of each and every advertisement so removed; provided that any excess shall be a civil debt due to the Council; provided further that when any advertisement is so removed in terms of these regulations the Council shall be entitled to destroy any such advertisement without giving notice to anyone, after a period of 14 days from the date of such removal.
- (5) Any person who displays or causes, permits or suffers to be displayed any advertisement referred to in sub-section (1) shall be presumed to be the displayer until it is proved to the contrary.

#### **Display of permanent advertisements prohibited**

- (4) No person shall display or cause to be displayed any permanent advertisement, in the area of jurisdiction of the Council unless any such advertisement was approved in writing by the Council and is displayed in accordance with this Bylaw.

#### **Application for display of permanent advertisements**

5.(1) Any person intending to erect, alter or display any permanent advertisement for which the prior written permission of the Council is required, shall apply for such permission to the Council on the prescribed application form attached to this By-law as Schedule 2. Such form shall be signed by the applicant and by the owner (if he or she is not also the applicant) of the site upon which such advertisement is or is to be located.

- (2) An application referred to in sub-section (1) shall be accompanied by -
- (a) a full specification showing the dimensions of such sign, its location or proposed location on a building or other supporting structure, the materials of construction, the name and address of the manufacturer, and where applicable, the number of electric lights and electrical details in regard thereto;
  - (b) a drawing indicating –
    - (i) the position of such sign on the site at a scale of not less than 1: 50;
    - (ii) the full text of the advertisement;
    - (iii) the colour of the material;
    - (iv) the construction;
    - (v) the overall dimensions;
    - (vi) the method of attachment, suspension or support; and
    - (vii) any other details required by the Council;
  - (c) in the case of ground signs, information in regard to all calculations upon which such size is based;

The following paragraph is hereby inserted after 5 (2) (c)

*(d) The municipality may require from a person who intends to display a sign to enter into a contract, such as, but not limited to, an agreement, with the municipality where the sign is to be attached to a municipal asset, or to be erected on municipal land or land vested in the municipality, and the municipality will determine the duration of the contract and the fees to be paid by the person to the municipality;*

(3) The Council may refuse or grant such application subject to such conditions as it may think proper.

The following heading is hereby amended by deletion of words "of display of permanent advertisement"

### **Consideration of applications**

6.(1) The Council may grant, on such conditions as it may determine, or refuse an application referred to in section 5, but the Council shall not grant an application if it is of the opinion that, having regard to –

- (a) the design;
- (b) colour;

- (c) other characteristics of the advertisement in question;
  - (d) its proposed position in relation to the building or premises upon or in which it is to be displayed; and
  - (e) the neighboring properties,
  - (f) comments from neighboring property owners/occupiers
- such advertisement will detract from or disfigure the appearance of the building or premises concerned or neighboring properties, or otherwise be unsightly.

The following section is hereby inserted after section 6 (1)

6(2) *(a) The municipality must, within 60 days after the application form has been lodged, notify the applicant in writing if consent has been refused or granted, and if consent is granted, the municipality must forward a notice of approval and one set of the application form and other documents that were submitted by the applicant to the applicant, and specify in the notice of approval the duration of the term of the consent.*

*(b) A sign must be displayed within 12 months after the date on which the municipality granted consent, otherwise the consent expires.*

*(c) The municipality must keep a register which is open to public inspection at all reasonable hours and which contains particulars of:*

- (i) the application which was made to the municipality for specific consent for the display of a sign;*
- (ii) the name and address of the applicant;*
- (iii) the date of the application;*
- (iv) the type of sign concerned; and*
- (v) any conditions relating to the display of the sign.*

*(d) When a time period, which was specified in the approval expires, an application for renewal must, at least 30 days, if possible, prior to the expiry, be submitted for consideration of approval should a person who displays a sign intends to continue the display of the sign, and should the municipality refuse consent to display the sign, the person who displays the sign must forthwith cease to display the sign.*

*(e) Where an advertisement is approved along a provincial or national road by another responsible road authority, the permission of the municipality must also be obtained if the advertisement will be located in the jurisdiction of the municipality, or where the signs will be visible from any municipal roads.*

*Similarly, where the municipality approves a sign that will be focused on a provincial or national road, the permission of the relevant road authority also needs to be obtained before a sign may be displayed;*

### **Sign-boards affixed to buildings**

7.(1) The following sign-boards and no others may, subject to the provisions of this By-law, be affixed to buildings:

- (a) flat sign-board-boards;
- (b) projecting sign-boards, and
- (c) sky sign-boards

(2) No flat sign-board-board shall -

- (a) extend above the top or beyond either side of the wall to which it is affixed;
- (b) project in any part more than 100 mm from the wall to which it is affixed;
- (c) exceed 15% of the height of the building to the eaves or 15% of the area of the wall to which it is affixed.

(3) No projecting sign-board shall -

- (a) be affixed otherwise than at right angles to the road line;
- (b) be affixed at a clear height of less than 2,5 m;
- (c) exceed 225 mm in thickness;
- (d) extend beyond the top of the wall to which it is affixed;
- (e) project in any part more than 1,5 m from the wall to which it is affixed;
- (f) extend over or nearer than 1,2 m to any overhead electricity wires or cables; or
- (g) be affixed otherwise than in a vertical plane.

### **Advertisement painted on buildings**

8.(1) Only the following types of advertisements may be painted on buildings:

- (a) advertisements painted on the walls of buildings; and
- (b) advertisements painted on the roofs of buildings used in connection with industry or a manufacturing process.

(2) No advertisement painted on a wall of a building shall exceed 15% of the height of the building from the ground to the eaves or 15% of the area of the wall on which it is painted.

(3) An advertisement painted on the roof of a building shall contain only the name (or an abbreviation thereof) of the person, firm, company, society or association occupying such building.

#### **Ground sign-boards**

9. Every ground sign-board shall -

(1) be supported by poles or standards or pylons the bases of which are firmly embedded and fixed in the ground and which are entirely self-supporting, rigid and inflexible;

(2) not exceed 2 m x 0,3 m (300 mm);

(3) not extend or project beyond the road line; and

(4) not exceed 6,5m in height.

#### **Flashing advertisements**

10. The Council shall only approve flashing illuminated advertisements if it is of the opinion that, having regard to the proposed position and characteristic of the advertisement, the display of the advertisement will not be likely to distract or disturb persons using any public road or to create the conditions contemplated in section 11(2).

#### **General prohibitions relating to advertisements**

11.(1) No person shall display any advertisement so as to obstruct any fire escape or the means of egress to a fire escape or to obstruct or interfere with any window or opening required for ventilation purposes.

(2) No person shall display any advertisement:

(a) in a position which obscures, obstructs or otherwise interferes with any road traffic sign or is likely to so obscure, obstruct or otherwise interfere;

(b) which is illuminated and contains the colours, red, green or amber or any one

or more of such colours, unless such sign has a clear height of 6 m or unless such sign is more than 15 m (measured horizontally) from the vertical line of the road line at the corner of a public road; or

(c) which is of such intense illumination so as to disturb the residents or occupants of adjacent or nearby residential buildings.

The following paragraph is hereby inserted after section 11 (2)

*11 (3) No person shall display any furniture, food items, clothing and any other items or objects for advertising and trading purposes on the street pavement, facade, forecourt, balcony, building walls and any other space provided that such areas and spaces have not been demarcated as formal or informal trading areas by the Council.*

*11(4) No billboard erected on the pedestrian route shall be less than 2,4 meters in height measured from the natural ground.*

*11(5) No billboard or gantry sign erected over a public road shall be less than 5 meters in height measured from the surface of the roadway.*

12(a) Directional signs may not be erected on road reserves other than on directional signboard frames erected by the Council, and on payment of the prescribed fee. Such directional signs shall be either 2m long and 0,3 (300 mm) high or 1 m long and 0,3m (300 mm) high and be constructed to the satisfaction of the Council.

(b) A directional signboard frame shall not exceed 4m in height from ground level save with the express approval of the Council in writing.

### **Construction of sign-boards**

13.(1) every sign-board shall be neatly and properly constructed and finished in a workmanlike manner to the satisfaction of the building control officer.

(2)(a) Every sign-board attached to a building or wall shall be rigidly and securely attached thereto so that it is safe and that movement in any direction is prevented.

(b) The method of attachment shall be such that it is capable of effectively securing, supporting and maintaining not less than twice the mass of the sign-board in question with the addition of any force to which the sign may be subjected.

(c) The use of nails or staples for the purpose of the anchorage and support of a sign-board is prohibited.

(2) Every projecting sign-board shall, unless the building control officer otherwise approves, have not less than four supports –

- (a) which shall be of metal;
- (b) any two of which shall be capable of supporting the mass of the sign-board;
- (c) the designed strength of which acting together shall be calculated on a mass equal to twice the mass of the sign-board with a superimposed horizontal wind pressure of 1,5 kPa; and
- (d) which shall be neatly constructed as an integral part of the design of the sign-board or otherwise concealed from view.

(4) (a) All sign-boards which are attached to brickwork, masonry or concrete shall be securely and effectively attached thereto by means of bolts securely embedded in such brickwork, masonry or concrete or passing through the same and secured on the opposite side.

(b) Such bolts shall be of such a size and strength as will ensure effective compliance with sub-section (2) or (3).

(5) Every illuminated sign-board and every sign-board in which electricity is used shall -

- (a) be constructed of a material which is not combustible;
- (b) be provided with an external switch in an accessible position approved by the building control officer whereby the electricity supply to such sign-board may be switched off; and
- (c) be wired and constructed to the satisfaction of the building control officer.

(6) All exposed metalwork of a sign-board shall be painted or otherwise treated to prevent rust, decay and insect attack and thereafter painted.

#### **Maintenance of permanent advertisements**

14. The person having possession or control of any permanent advertisement shall, while such advertisement is displayed, at all times maintain such advertisement, including any sign-board on which it is displayed, in good repair and safe condition.

**Alterations of and additions to permanent advertisements**

15(1) any person wishing to alter or add to any permanent advertisement, including any sign-board on which it is displayed, shall first apply to the Council in writing for its approval.

(2) An application referred to in sub-section (1) shall specify the nature and extent of the proposed alteration or addition.

(3) A person who has applied in terms of sub-section (2) for the Council's approval shall furnish such additional particulars in connection with his application as the Council may require.

**Removal of permanent advertisements**

16(1) Where there is displayed permanent advertisement -

(a) for which no approval was granted under section 4; or

(b) which is displayed in contravention of this By-law,

the Council may, by notice in writing, direct the person having possession or control of the advertisement to remove it or to effect such alterations as may be prescribed in the notice, and to effect such removal or alteration within such period (which shall be not less than fourteen days as from the date on which the notice was given) as may be specified in the notice.

(2) If a person to whom a notice has been given in terms of subsection (1) fails to comply with a direction contained in that notice within the period therein specified, the Council may, at any time after the expiration of that period, through the agency of any person authorised thereto by the Council, enter upon the land upon which the advertisement to which the notice relates and remove the advertisement or effect the alterations prescribed in the notice.

(3) The Council may recover the expenses which it incurred by any action taken under subsection (2) from any person to whom the notice in question was given.

The following section is hereby inserted after section 16.

**Right of appeal**

- (1) *A person who is of the opinion that his or her rights are affected by a decision of a municipal official may appeal against that decision by giving written notice of the appeal and reasons to the Executive Committee of Council within 21 days of the date of the notification of the decision.*
- (2) *The Executive Committee must commence with an appeal within six weeks and decide the appeal within a reasonable time.*
- (2) *The Executive Committee must consider the appeal and confirm, vary or revoke the decision.*
- (6) *The lodging of an appeal in terms of subsection (1) does not confer a right on a person to display a sign in contravention of these by-laws or in contravention of a notice given in terms of these by-laws to have it removed, pending the finalization of the appeal.*

**Delegation of Council's powers**

17(1) The Council may by resolution delegate to the building control officer any power conferred upon it by this Bylaw on such conditions as the Council may determine.

(2) Any delegation under sub-section (1) shall not prevent the exercise of the relevant power by the Council itself.

**CHAPTER 4****GENERAL PROVISIONS****Offences**

(18) Any person who contravenes any provision of these by-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R20 000 or imprisonment for a period not exceeding 2 years.

**Repeal of existing By-laws**

(19) Any by-laws promulgated by the municipality or any erstwhile municipal council now comprising an administrative unit of the municipality, and pertaining to any matter, regulated in this by-law, shall be repealed from date of promulgation of this by-law.

**Short title and commencement**

(20) This by-law is called **Amended Outdoor Advertising By-laws, 2013**, and shall come into operation on a date determined by the municipality by proclamation in the ***Provincial Gazette***.

---