

---

**CONTENTS- INHOUD**

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
	<b>LOCAL AUTHORITY NOTICE</b>		
215	Local Government Municipal Systems Act (32/2000): Fetakgomo Local Municipality: Culture and Recreation, Bill Board and Display Advertisement, Keeping of animals, Street Trading Land Use Management and Tariff Collection By-laws ""	3	1388

---

---

## LOCAL AUTHORITY NOTICE

---

### LOCAL AUTHORITY NOTICE 215

#### **FETAKGOMO LOCAL MUNICIPALITY**

#### **LOCAL GOVERNMENT MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000)**

#### **CULTURE AND RECREATION, BILL BOARD AND DISPLAY**

#### **ADVERTISEMENT, KEEPING OF ANIMALS, STREET TRADING, LAND USE**

#### **MANAGEMENT AND TARIFF COLLECTION BY-LAWS**

Notice is hereby published in terms of section 13(b) of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) and section 162(1) of the Constitution of South Africa, 1996 (Act 108 of 1996).

These by-laws comes into operation on the date of publication in the gazette.

FINAL DRAFT

<p><b>FETAKGOMO LOCAL MUNICIPALITY</b></p> <p><b>CULTURE AND RECREATION BY-LAWS</b></p>
---

## CHAPTER I : APPLICATION AND INTERPRETATION OF BY-LAWS

sl

## TABLE OF CONTENTS

CHAPTER I	,9
APPLICATION AND INTERPRETATION OF BY-LAWS	9
1. Application of By-Laws ,	9
2. Interpretation of By-Laws , ,	9
3. Admission to library buildings	12
4. Membership, „" " , , ,	12
5. Loan of library material ,	15
6. Return of library material	16
7. Overdue library material	16
8. Reservation of library material , ,	17
9. Lost and damaged library material	17
10. Handling of library material ,	18
11. Exposure of library material to notifiable and infectious diseases	18
12. Library material for special and reference purposes	19
13. Reproduction of library material and objects and use of facsimile facilities	19
14. Library hours , , , , ,	20
15. Hire and use of auditoria and lecture rooms or library space	20
16. Internet viewing stations , "	21
17. Hiring of multimedia library space	21
18. Performing arts library	22
19. Availability of By-Laws and notices	22
20. Conduct in libraries ,	22
CHAPTER II	23
ARTS AND CULTURE AND COMMUNITY CENTRE FACILITIES	,23
21. Definitions and interpretation	23
22. Rights and status of artists	25

## CHAPTER I; APPLICATION AND INTERPRETATION OF BY-LAWS

,1

---

23.	Co-operation between Council departments	25
24.	Application for hiring of premises	26
25.	Prescribed fees	26
26.	Payment of fees	27
27.	Period of hire	27
28.	Adjustment of period of hire	27
29.	Joint hire	28
30.	Sub-letting	28
31.	Condition of premises	29
32.	Duties of the hirer	29
33.	Advertisements and decorations	31
34.	Admissions and sale of tickets	31
35.	Overcrowding	31
36.	Sale of refreshments	32
37.	Services	32
38.	Cancellation due to destruction of premises	33
39.	Cancellation due to non-compliance	33
40.	Termination of period of hire	34
41.	Fire hazards and insurance	35
42.	Storage facilities	35
43.	Equipment	36
44.	Right of entry	36
45.	Inspection	37
46.	Regulations	37
47.	Nuisance	37
48.	Group activities	37
49.	Membership	38
50.	Membership fees	38
51.	Use of centres for religious or personal purposes	39
52.	Dress code	39
53.	Conduct of children	39

## CHAPTER I APPLICATION AND INTERPRETATION OF BY-LAWS

s1

54.	Application of certain sections of Part 1 of Chapter 2 to centres	39
55.	Application of certain sections of Part 1 of Chapter 3 to centres	40
CHAPTER III		40
RECREATION <b>AND</b> SPORT		40
56.	Definitions and interpretation	40
57.	Lighting of fires prohibited	41
58.	Permits	41
59.	Extension of permits	41
60.	Limitation on the period of occupancy of a camping site	42
61.	Allocation and use of sites	42
62.	Proper use of roads and pathways	42
63.	Reservation of sites	43
64.	Right of refusal to issue or renew permits	43
65.	Obligations of permit holders	43
66.	Cancellation of permits.....	44
67.	Access and loitering by members of the public prohibited	44
68.	Site to be left in a clean condition	44
69.	Washing of clothes and utensils and preparation of foodstuffs	45
70.	Trading without permission	45
71.	Damage to vegetation or property	45
72.	Instructions of camping officer to be complied with	46
73.	Registration and use of firearms	46
74.	Protection of wild life	46
75.	Special requirements regarding caravan parks and caravans	46
76.	Definitions and interpretation	48
77.	Administration	49
78.	Access conditions	49
79.	Smoking	51
80.	Alcoholic beverages	51
81.	Duties of hirer	52

## CHAPTER I; APPLICATION AND INTERPRETATION OF BY-LAWS

sl

82.	Dress code	52
83.	Hiring of sport facilities	53
84.	Reservation of sport facilities by the Council	54
85.	Group activities	55
86.	Public decency	57
87.	Clothing and personal effects	58
88.	Prescribed fees	59
89.	Generally prohibited conduct.	59
90.	Animals	61
91.	Infectious diseases	61
92.	Firearms and traditional weapons	61
93.	Disturbance by sound systems	61
94.	Sale of food and refreshments	62
95.	Filming and photographs	62
96.	Sport advisory forum	62
CHAPTER IV, " , , ,		62
MISCELLANEOUS		62
97.	Definitions and interpretation	62
98.	Animals in facilities	63
99.	Liability for acts and omissions	63
100.	Offences and penalties	64
101.	Repeal	64
102.	Short title	64
SCHEDULE 1		"65
BY-LAWS REPEALED "		'65

## CHAPTER I APPLICATION AND INTERPRETATION OF BY-LAWS

s1-s2

The Municipal Manager of the IFetakgomo Local Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Culture and Recreation By-laws for the Fetakgomo Local Municipality, as approved by its Council, as set out hereunder.

## CHAPTER I

## APPLICATION AND INTERPRETATION OF BY-LAWS

## 1. Application of By-Laws

## (1) These By-laws apply-

- (a) Within the defined boundaries of the Fetakgomo Municipality and users of recreational facilities of the Municipality.
- (b) In addition to any applicable national or provincial law.

## 2. Interpretation of By-Laws

## (1) Unless the context otherwise indicates

- (a) "audio-visual material" means any film, record, compact disc, stiffy, audio book, language course, audio and video cassette, including digital video material, and any gramophone record available for use in or borrowing from, a library, whether it is the property of, or on loan to, the Council;
- (b) "child" means a person under the age of fourteen years who has never been married;
- (e) "Council" means



## CHAPTER I: APPLICATION AND INTERPRETATION OF BY-LAWS

52

---

- (i) the Fetakgomo Local Municipality established by Provincial Notice No. 278 of 2000 dated 1 October 2000, as amended, exercising its legislative and executive authority through its municipal Council; or
  - (ii) its successor in title; or
  - (iii) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000); or
  - (iv) a service provider fulfilling a responsibility under these by-laws, assigned to it in terms of section 81 (2) of the Local Government: Municipal Systems Act (Act No. 32 of 2000) or any other law, as the case may be."
- (d) "Director" means the Director: Library and information services and his or her assistant or delegate;
- (e) "indigent person" means any person in circumstances of poverty whose total household income does not exceed an amount as may be determined by the council from time to time;
- (f) "lending period" means a period during which a member or visitor is permitted to retain any borrowed library material;
- (g) "librarian" means an official employed by the Council who exercises control of and manages a library or a section thereof, and includes any assistant to a librarian;
- (h) "library" means any public library administered and maintained by the Council.

## CHAPTER I : APPLICATION AND INTERPRETATION OF BY-LAWS

s2

- 
- (i) "library material" means all books, periodicals, newspapers, prints, pictures, documents, posters and printed music, and audio-visual material, regardless of whether it is the property of or on loan to the Council, which is available to be perused, studied, copied in, or borrowed from, a library;
  - (j) "library week" means a period of seven days or more during a year determined by the Library and Information Association of South Africa, during which information services are promoted;
  - (k) "member" means any person or organisation registered as a member of the library;
  - (l) "multimedia library" means a library dedicated to the provision and presentation of information in any two or more of written, visual, audio-visual and electronic forms, and includes any facilities within that library that are capable of **presenting** information in such **formats**;
  - (m) "organisation" means a non-profit-making institution or company, or a cultural association having a constitution;
  - (n) "pensioner" means any person over the age of 60 years;
  - (o) "prescribed fee" means a fee determined by the Council by resolution in terms of section 10G(7)(a)(ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation;
  - (p) "resident" means a person who resides in, or is a property owner or rate payer, or who is employed within or is registered with an educational institution within the area of jurisdiction of the Council;
  - (q) "specialised library material" means library material which needs special equipment in order to access the content of such material or the use of which is likely to inconvenience other patrons of a library if utilised within a library;

## CHAPTER I. APPLICATION AND INTERPRETATION OF BY-LAWS

sJ-s4

---

- (r) "the library" means the totality of public libraries, with their contents, administered and maintained by the Council;
  - (s) "visitor" means a person residing, working or studying for a period of not more than three continuous months within the area of jurisdiction of the Council.
- (2) If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81 (2) of the Local Government: Municipal systems Act, 2000 (Act No. 32 of 2000), or any other law been assigned to a service provider, the reference in any such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

### 3. Admission to library buildings

- (1) Subject to the provisions of subsection (2), and of section 19, any person admitted to a library may use the facilities of that library during official library hours: Provided that if a person wishes to borrow library material, that person must first become a member of the library and pay the prescribed fee for membership,
- (2) A librarian may -
  - (a) in his or her discretion determine the maximum number of persons that may be allowed in any part of the library at any given time and may exercise the necessary access control for that purpose;
  - (b) for any reasonable cause, instruct a member or other person to leave the library.

### 4. Membership

- (1) Application for membership or visitor's rights must be made on a form prescribed by the Council.

## CHAPTER I APPLICATION AND INTERPRETATION OF BY-LAWS

s4

---

(2) The Council may -

- (a) grant membership of the library to any resident, or any resident as a representative of any organisation or similar body, duly authorised by that organisation or body, and every such resident must-
  - (i) pay the prescribed membership fee; and
  - (ii) undertake to abide by the policies adopted by the Council from time to time for the conduct of the business of the library;
- (b) subject to such conditions as it may determine from time to time, grant membership of the library to a child if his or her parent or guardian consents thereto in writing and undertakes to ensure the observance by the child of the provisions of these By-laws;
- (c) grant membership of the library to a person who is not a resident on conditions determined by the Council from time to time;
- (d) admit a person residing, working or studying in the area of jurisdiction of the Council for a period of not more than three months, as a visitor if -
  - (i) the particulars determined by the Council or the Director are submitted by such person;
  - (ii) such person pays the prescribed fee; and
  - (iii) a librarian approves the application,and upon such admission, the visitor has all the rights and privileges, and is subject to the same obligations and duties, as a member;
- (e) exempt any applicant for membership who is an indigent person wholly or partially from the payment of the prescribed fee for membership.

## CHAPTER I : APPLICAnON AND INTERPRETATION OF BY-LAWS

s4

---

- (3) A library membership card must be issued to each member authorising that member to borrow from the library such quantity of library materials as may be determined by the Council from time to time.
- (4) Additional membership cards, entitling a member to borrow further quantities of library material may be issued to a member in the discretion of a librarian.
- (5) A membership card is valid from its date of issue to the date of expiry stated thereon and the membership of a person to whom such a card has been issued lapses after the expiry of that period, unless it is renewed prior to the expiry date.
- (6) A member who wishes to cancel his or her membership of the library must
  - (a) notify a librarian in writing;
  - (b) return the membership card or cards concerned; and
  - (c) simultaneously return all borrowed library material in his or her possession to a librarian.
- (7) If library material is not returned in terms of subsection (6){c), the person concerned shall be liable in terms of section 8(2).
- (8) If a member changes his or her address, the member must notify the Director of the change in writing within thirty days after the change has taken place.
- (9) If a membership card is lost, the member must forthwith notify a librarian in writing who must, on payment of the prescribed fee, issue a duplicate card;
- (10) Should a lost membership card subsequently be found by the member, any duplicate card issued to the member must be returned to the librarian immediately.
- (11) Notwithstanding the provisions of section 8(a) a member is not liable in terms of that section for any library material borrowed against a lost membership card after the date of such notice.

---

## 5. **Loan of library material**

- (1) The Director must determine library material which may not be removed from a library on loan in any reference or special library and a notice specifying such material must be displayed at the inquiry desk of each library.
- (2) Library material borrowed from a library is the responsibility of the member against whose membership card it was borrowed.
- (3) If a member borrows material from a library, that member must ascertain whether or not the material is visibly damaged, and if so, must draw a librarian's attention to the damage and the librarian must record particulars of the damage on the date sheet and sign it.
- (4) If a member returns damaged library material, he or she is responsible for making good the damage, or paying the prescribed fee in respect of damaged library material, unless the damage was recorded in terms of subsection(3).
- (5) No person may be in possession of library material outside a library unless it has been lent to him or her in terms of a membership card.
- (6) A librarian may refuse to make damaged library material available for borrowing, but if such material is made available for borrowing, the particulars of the damage must first be recorded in terms of section (3).
- (7) A member may, upon payment of the prescribed fee, request that any library material which may be lent out but which is not available at a library, but is available at another library or a library not operated by the Council, be obtained from that source and made available or loaned to that member.
- (8) The loan of audio-visual-material or items, is subject to the payment of the prescribed fee.

## CHAPTER I: APPLICATION AND INTERPRETATION OF BY-LAWS

s6-.7

---

- (9) Library material bearing the distinguishing insignia of the Council or any of its predecessors or the insignia of the Limpopo Provincial Government, with no indication on it that it has been officially discarded or sold, remains the property of the Council or of the Limpopo Provincial Government, as the case may be.

**6. Return of library material**

- (1) A member must return borrowed library material not later than the last day of the lending period.
- (2) If the library material concerned is not required by any other member, the librarian may extend the lending period of that material for a further period.
- (3) A member who fails to return library material by the end of the lending period or an extension thereof allowed by a librarian, may not keep it for more than seven days after receipt of a written notice from a librarian that the library material is to be returned to the library.

**7. Overdue library material**

- (1) If a member fails to return library material borrowed against a membership card within the lending or extended lending period contemplated in section 5, he or she may be liable for payment of the prescribed fees for every period of seven days or a portion thereof during which the member fails to return the library material, unless -
  - (a) good cause is shown to the satisfaction of a librarian;
  - (b) the return date falls within a library week or other period when the library concerned is closed to the public for any reason; or
  - (c) a period of grace is given by the Director;

- 
- (2) Every librarian must ensure that the rules and prescribed fees for overdue and lost library material are displayed at a prominent place in the library.

**8. Reservation of library material**

- (1) A member may reserve library material on payment of the prescribed fee.
- (2) No library material may be held available for a period longer than the period specified by the Director.

**9. Lost and damaged library material**

- (1) It must be stated on every membership card must state that if a member damages or loses library material, the member will be liable in terms of subsection (2) for payment to the Council of the prescribed fee
- (2) Library material not returned within one hundred days from the date of borrowing must be regarded as lost, and the member who borrowed it last may at the discretion of the Director be liable for the replacement cost of the material or the prescribed fee.
- (3) If the Council is unable to retrieve library material from a member, despite reasonable efforts to do so, it must -
- (a) enter the particulars of the members on a central register of unreturned library material, together with the details of the material concerned;
  - (b) circulate such particulars to every library, and
  - (c) suspend the member's privilege of borrowing until the library material is returned or payment is made as contemplated in subsection(2).
- (4) Any lost or damaged library material remains the property of the Council or the Limpopo Provincial Government, as the case may be, even if replacement cost or the prescribed fee in respect of the material has been paid to the Council.



## CHAPTER I APPLICATION AND INTERPRETATION OF BY-LAWS

s10-s11

---

- (5) If damaged library material returned by a member is found to be repairable, the member must pay the costs of repair incurred by the Council, before being permitted to borrow any further library material.

#### 10. Handling of library material

- (1) A member who has borrowed library material or is using library material in the library must -
  - (a) keep the library material in a clean condition;
  - (b) prevent the library material from being damaged in any way;
  - (c) ensure that the library material is not mutilated, defaced, marked or creased;
  - (d) ensure that no part of the library material, or any protective coverings or identification, is removed; and
  - (e) ensure that the library material is not lent to any other person.

#### 11. Exposure of library material to notifiable and infectious diseases

- (1) No person suffering from a notifiable medical condition proclaimed in terms of section 45 of the Health Act, 1977 (Act No. 63 of 1977), may borrow or handle library material, and no member may allow any other person suffering from such medical condition to handle or come in contact with library material lent to that member, if such handling or contact would expose others to the danger of infection or any form of health hazard.
- (2) The provisions of subsection(1) also apply to any person supervising or in charge of a child known by such person to be suffering from a medical condition, contemplated in that subsection.
- (3) A notice with examples of notifiable medical conditions must be displayed at a prominent place in a library.

- 
- (4) Any person in possession of library material which to that person's knowledge has been exposed to a notifiable medical condition, must immediately advise a librarian that the library material has been so exposed.

12. Library material for special and reference purposes

- (1) Specialised library material may be used only in areas of a library specifically demarcated for that purpose, and no such material may be removed from that part of a library without the permission of a librarian.
- (2) No person in possession of library material drawn from the reference section of a library may keep it for longer than ten minutes after a librarian has requested its return.

13. Reproduction of library material and objects and use of facsimile facilities

- (1) Any person may use the facsimile and photocopier facilities of a library subject to-
- (a) payment of the prescribed fee; and
  - (b) the furnishing by him or her of a declaration in writing, if requested by a librarian, that the purpose for which the facsimile or photographic reproduction is required, falls within the exceptions to the protection of literary, dramatic, musical and artistic works contained in the Copyright Act, 1978, (Act No. 98 of 1978).
- (2) A librarian must display the relevant sections of the legislation referred to in subsection(1)(b), in a prominent place in the library.
- (3) The permission of a librarian must be obtained before any library material or object in the library is reproduced by means of a photograph, motion picture, transparency or any other means.

## CHAPTER I: APPLICATION AND INTERPRETATION OF BY-LAWS

s14-.15

---

- (4) In granting or refusing permission in terms of subsection(2), a librarian may take cognisance of the possibility of damage being caused to the material or object as a result of it being handled for the purposes of making the reproduction, and may impose any condition reasonably necessary to prevent damage being caused to the material or object.

**14. Library hours**

- (1) The hours determined by the Council during which any library will be open to the public, must be displayed on a notice at the entrance to the library concerned and must specify -
- (a) the days on and hours during which the library will be open and closed; and
  - (b) the hours during which the use of such library or any section thereof will be restricted to adults or children.

**15. Hire and use of auditoria and lecture rooms or library space**

- (1) The Council may hire out to any member or other person, any auditorium, lecture room or other area within a library complex against the payment of the prescribed fee, for the purpose of holding a lecture, debate or presentation or staging of an exhibition or filming or programming a sequence of scenes requiring a library background or which incorporates the use of library material.
- (2) Application for the hire of any such facility must be made in writing to the Director.
- (3) Notwithstanding the provisions of subsection (1), any facility contemplated in that subsection, may be made available without payment of a prescribed fee
- (a) to any organisation supporting the provision of library services;
  - (b) for any activity which the Council *may* either generally or specifically determine,

**16. Internet viewing stations**

- (1) Any person may utilise an internet viewing station at a library, where such facilities are made available by the Council, provided he or she
  - (a) pays the prescribed fee;
  - (b) obtains prior permission from a librarian;
  - (c) observes the maximum period of use determined by the librarian;
  - (d) abstains from loading personal software on to any hardware comprising an internet viewing station;
  - (e) agrees to and does bear the cost of repairing any damage caused intentionally or negligently to the internet equipment while being operated by him or her; and
  - (f) agrees to and does observe the Council's policy on e-mail and internet usage, which policy must be displayed at each internet viewing station.

**17. Hiring of multimedia library space**

- (1) A multimedia library may be made available to any person applying for it against payment in advance, of the prescribed fee.
- (2) Any person who wishes to hire a multimedia library must make an advance reservation with the librarian in charge thereof.
- (3) The hiring of a multimedia library is subject to such conditions as the Director may determine,

## CHAPTER I: APPLICATION AND INTERPRETATION OF BY-LAWS

513-020

---

**18. Performing arts library**

- (1) Subject to the provisions of subsection 18(2), all printed music in a performing arts library must be made available for loan free of charge to registered adult members and organisations.
- (2) Orchestral and bulk vocal scores may be made available for loan only to orchestras, school libraries and choirs upon written application and against payment of the prescribed fee.
- (3) Material not for loan may be determined by the Performing Arts Librarian in his or her discretion.

**19. Availability of By-Laws and notices**

- (1) A copy of these By-laws must be available for inspection, and a notice to that effect must be displayed at a prominent place, in every library and be brought to the attention of any library user when necessary.

**20. Conduct in libraries**

- (1) Any person who-
  - (a) conducts or engages in excessively loud conversation in any part of a building housing a library in a manner which causes or is likely to cause annoyance to any other person in that library;
  - (b) uses abusive or otherwise objectionable language or behaves in an abusive, objectionable or disorderly manner, in a library;
  - (c) hampers, disturbs, obstructs or harasses any other person in the legitimate use of a library;
  - (d) damages any part of a library building or its contents;

## CHAPTER II : ARTS AND CULTURE AND COMMUNITY CENTRE FACILITIES

821

- 
- (e) furnishes a false name or address to a librarian for the purpose of entering any part of a library or for obtaining any benefit or privilege;
  - (f) enters or remains in a library while knowingly suffering from any notifiable medical condition proclaimed in terms of section 45 of the Health Act, 1977, or while under the influence of intoxicating liquor or habit-forming drugs;
  - (g) smokes, eats, drinks or sleeps in any part of a library where these activities are forbidden; or
  - (h) contravenes any other provision of these By-laws-
    - (i) may be ordered by a librarian to leave that library, and if he or she refuses to do so, may be removed from that library by the use of reasonable and necessary force.

**CHAPTER VI****ARTS AND CULTURE AND COMMUNITY CENTRE FACILITIES*****Part 1: Hire and use of community, arts and culture facilities*****21. Definitions and interpretation**

- (1) In this Chapter, unless the context otherwise indicates
  - (a) "art" means all forms and traditions of dance, drama, music, music theatre, visual arts, crafts, design, written and oral literature, film, video, traditional and community art, all of which serve as means for individual and collective creativity and expression through performance, execution; presentation, exhibition, transmission and study and **artistic** has a corresponding meaning;

## CHAPTER II : ARTS AND CULTURE AND COMMUNITY CENTRE FACILITIES

s21

---

- (b) "artist" means any person who is involved in the creation or production of art, music, dance, theatre, craft, films, video, traditional and community art, musical theatre and literature;
- (c) "appurtenance" means any installation or appliance on or in the premises and includes, without derogating from the generality of the foregoing, any key, lock, window, toilet pan, basin, water tap and fitting;
- (d) "authorised official" means an official of the Council who has been authorised by it to administer, implement and enforce the provisions of these By-laws;
- (e) "centre" means a building or premises owned or operated by the Council, whether incorporating a community hall or not, at which group activities of an indoor sporting, cultural or recreational nature can be pursued;
- (f) "Council" bears the same meaning as defined in section 1;
- (g) "culture" means the dynamic totality of distinctive, spiritual, material, intellectual and emotional features which characterise a society or a social group and includes language and heritage conservation and further includes any museum, archive, library, historical site and monument and cultural has a corresponding meaning;
- (h) "cultural activity" means any cultural function, meeting, festival, flea market and exhibition and any other cultural activity;
- (i) "facility" means any art and cultural facility under the administration and control of the Council and includes all appurtenances;
- (j) "group activity" means -
  - (i) for the purposes of Part 1 of this Chapter, an activity or function of an artistic or cultural nature, in which several members of a group of persons having an interest in the nature of that activity, participate either together or in subgroups or serially; and

## CHAPTER n ARTS AND CULTURE AND COMMUNITY CENTRE FACILITIES

S22-023

- 
- (ii) for the purposes of Part 2 of this Chapter, an activity or function of an artistic, cultural or indoor sporting nature, in which several members of a group of persons fraying an interest in the nature of the activity, participate either together or in sub-groups, or serially, whether as individuals or in teams;
  - (k) "hirer" means any person who applies, pays and obtains approval for the use of premises or a facility;
  - (l) "premises" means any land, building or structure or any portion of land, building or structure on or in which art and cultural activities regulated by these By-laws take place or on which a centre has been constructed and includes any facility in or on the premises;
  - (m) "prescribed fee" bears the same meaning as defined in section 1;
  - (n) "property" means the land on which any building or structure of the Council is situated;

## 22. Rights and status of artists

- (1) The Council must recognise the right of all artists to practise their respective forms of art and enjoy their right to freedom of expression through such medium, subject to the provision of any law.

## 23. Co-operation between Council departments

- (1) Every department of the Council having jurisdiction over or responsibility for any multi-purpose community premises must co-operate with any other such department in ensuring that -
  - (a) the premises is properly maintained in a state fit for the purposes for which it was designed and is used; and



## CHAPTER II ARTS AND CULTURE AND COMMUNITY CENTRE FACILITIES

s24-s25

---

- (b) no part of the premises is made available to or hired out to more than one person at the same time.
- (2) The Council's responsible for Arts Culture and Heritage must co-ordinate the co-operation contemplated in subsection (1).

**24. Application for hiring of premises**

- (1) Any person wishing to apply for the hiring of premises must -
  - (a) submit an application on the form prescribed by the Council for this purpose; and
  - (b) submit such application form to the Arts, department responsible for Culture and Heritage of the Council not less than 42 days prior to the date on which the premises are first required by the applicant.
- (2) The Council may refuse to hire out any premises in terms of subsection (1), or cancel any hiring of the premises -
  - (a) the premises are to be used, or are being, used for any unlawful purpose; or
  - (b) the premises being applied for are required by the Council for municipal purposes during the same time.
- (3) The Council may in its discretion refund all the prescribed fees that have already been paid to it in respect of the application concerned.
- (4) The hirer is limited to the use of the premises specified in the application form.

**25. Prescribed fees**

- (1) The premises so hired may not, except with the prior written permission of the Council, be used for any purpose other than the purpose indicated on the application form.

---

**26. Payment of fees**

- (1) No person is permitted to use any premises hired unless the prescribed fee has been fully paid: Provided that the Council may exempt any person or organisation, on good cause, from the payment of a portion or all of the prescribed fees.

**27. Period of hire**

- (1) Notwithstanding any determination made by the Council regarding the dates and period for which the premises may be hired, the Council may allow the hirer reasonable access to the premises prior to the commencement date of the period of hire, to enable the hirer to make the necessary preparations and arrangements in or on the premises.

**28. Adjustment of period of hire**

- (1) Any person who makes an application for the hire of premises in terms of section 23 may, subsequent to the approval of such application, apply for the postponement of such hiring to a later date, without penalty or forfeiture: Provided that the postponement may be refused if the premises have in the meantime been hired for use by another person or is required by the Council on the dates to which the postponement is sought.
- (2) Any person who has made an application for hiring of premises may cancel such application and if -
  - (a) an application is cancelled 30 days or longer prior to the commencement date of the period of hire, the hirer must receive a full refund of the prescribed fee already paid;

## CHAPTER II ARTS AND CULTURE AND COMMUNITY CENTRE FACILITIES

.29-.30

---

- (b) an application is cancelled more than 15 days but less than 30 days prior to the commencement date of the period of hire the hirer must receive a 50% refund of the prescribed fee already paid; or
  - (c) an application is cancelled 15 days or less prior to the commencement date of the period of hire, the hirer is not entitled to receive any refund of the prescribed fee already paid.
- (3) If the premises concerned have not in the meantime been hired for use on the date concerned by any other person a person who has hired premises may extend the period of hire of that premises upon written application to the Council as contemplated in section 23, except that a period of 42 days' notice is not required

**29. Joint hire**

- (1) The Council may let any premises or part thereof to different hirers for simultaneous use and in such a case, each hirer must use all the ancillary facilities which serve the different parts of the premises in common, jointly with the other users and in such manner that all the different hirers, their guests, customers and patrons, are able to enjoy the use of those facilities without infringing on the rights of use by other users.
- (2) The provisions of this Part of these By-laws, read with the necessary changes, apply to the joint users of the hired premises.

**30. Sub-letting**

- (1) A hirer may not sub-let the hired premises, or any part of the premises, to any other person *nor* may the hirer cede, pledge or renounce in favour of another person any of his or her rights or obligations under these By-laws, nor allow any other person to occupy the premises, *without the* prior written permission of the Council.

---

**31. Condition of premises**

- (1) The hirer must inspect the hired premises, including any installation, appliance, fitting, accessory and furniture, on or in the premises before he or she commences to use such installation, appliance, fitting, accessory and furniture and if the hirer finds that any installation, appliance, fitting, accessory or furniture on the premises are not in a proper state of repair, the hirer must report this fact to the Council in writing.
- (2) If the hirer fails either to inspect the premises or to report any defects found, in terms of subsection (1), it is deemed that upon commencement of occupation by the hirer, everything in the premises was in a proper state of repair,

**32. Duties of the hirer**

- (1) A person hiring premises from the Council -
  - (a) must keep and maintain the premises hired out and return them to the Council in the same order and condition as when they were hired out;
  - (b) must take all reasonable steps to keep every sewerage pipe, water tap and drain within or serving the premises free from obstruction or blockage as a result of the hirer's activities;
  - (c) must at all times keep the premises in a clean, tidy and sanitary condition;
  - (d) may not affix or attach to the premises any notice or other matter without the prior written permission of the Council and must upon the termination of the hire, remove every such attachment;
  - (e) may not obscure any plate glass window by painting or otherwise; may not drive any screw or nail into a wall or partition or door of the premises;
  - (f) may not change or interfere with or overload any electrical installation in or on the premises;

## CHAPTER II : ARTS AND CULTURE AND COMMUNITY CENTRE FACILITIES

532

---

- (g) may not remove or take out from the premises any furniture or other articles whatsoever belonging to the Council;
- (h) may not obstruct, interfere or tamper with any thermostat or air conditioning appliance in the premises or any building in which the premises are located; ...
- (i) may not introduce or install any unsafe or heavy article, furniture, fitting, appliance or equipment which, in the opinion of an authorised official could damage the premises or any part of the premises without the permission of that official and subject to any conditions imposed by that official, to ensure the safety of the premises and any person using them;
- (j) may not install in the premises any air conditioning or ventilating unit or equipment without the prior written permission of the Council;
- (k) may not permit the storage of any motor vehicle or other movable item of any description on any pavement outside an entrance hall, staircase or passage of the premises;
- (l) may not do anything on the premises, nor allow anything to be done in non-compliance with any reasonable instruction given or issued by an authorised official; and
- (m) may not park any vehicle nor allow the parking of any vehicle by any of the hirer's employees, invitees, agents, directors or other representatives anywhere on the premises except in properly demarcated parking bays on the premises as pointed out by an authorised official.

---

### 33. Advertisements and decorations

- (1) No person who has applied for the hire of premises may publicly announce or advertise any function or event in respect of which an application for the hire of such premises in terms of section 23 has been made, before the Council has notified that person in writing that the application has been approved.
- (2) Every hirer must, before vacating the hired premises or the termination of the period of hire for any reason whatsoever, remove every poster, notice, decoration, flag, emblem, sign and other form of advertisement or direction erected or affixed by him or her, and make good any damage caused by such removal

### 34. Admissions and sale of tickets

- (1) The hirer is responsible for all arrangements in connection with the admission of the members of the public to any function or event on or in the hired premises, including the provision of ushers and other persons necessary to control the admission of persons to the premises, and the sale of tickets.

### 35. Overcrowding

- (1) No overcrowding of the premises or facilities is allowed at any time during the hirer's function or event and the hirer must comply with the Council's requirements prescribing the maximum number of persons allowed on the premises during the function or event.
- (2) Without detracting from the general requirements referred to in subsection (1), the hirer may not allow more persons admission to the premises than the number of available seats or, if seating is not provided, the maximum number of persons prescribed by notice' on the premises or as stipulated in the agreement of hire.

## CHAPTER II : ARTS AND CULTURE AND COMMUNITY CENTRE FACILITIES

s36-s37

---

## 36. Sale of refreshments

- (1) No person may sell refreshments or food stuffs on or in any hired premises during any function or event for which they have been hired, without the prior written permission of the Council.
- (2) The Council may permit the sale of refreshments or foodstuffs by any person after it has received a written application to sell such items, and the Council may allocate sufficient accommodation to that approved person, wherein trading stock, furniture, equipment, installations and books necessarily required for trading may be accommodated.
- (3) The provisions of subsections (1) and (2) do not apply if the supply and sale of refreshments or foodstuffs is an integral part of the function or event of the hirer.

## 37. Services

- (1) The nature of the municipal services to be provided to the hired premises by the Council is at the sole discretion of the Council.
- (2) The Council may take such steps as it may consider necessary in its discretion for the proper maintenance and operation of any common areas in or on the hired premises.
- (3) An authorised representative of the Council may attend the hirer's function or event to ensure compliance with any provision of this Part of the By-laws.
- (4) A hirer is not entitled to the official services of any authorised official or other representative of the Council who attends the hirer's function or event in terms of subsection (3).
- (5) A hirer is not entitled to receive gratuitous cleaning or other service from the Council in connection with the hirer's activities during the preparation for, or during, a function or event.

**38. Cancellation due to destruction of premises**

- (1) The Council may cancel the hire of premises if-
  - (a) the premises are destroyed or are damaged to such an extent that they are substantially unusable;
  - (b) there is such damage to the premises that, although paragraph (a) does not apply, the premises have been rendered substantially unusable because of the absence of access or supply of any necessary municipal service or amenity; or
  - (c) there is destruction or damage to the premises or any part of the premises or to any neighbouring building, whether or not the hired premises are involved, and the Council decides not to proceed with the hire of the premises in order to engage in reconstruction, renovation or rebuilding for safety reasons.
- (2) Any decision made in terms of subsection (1), must be communicated by written notice given by the Council to the hirer within a reasonable period after the event referred to in subsection (1) giving rise to the cancellation.

**39. Cancellation due to non-compliance**

- (1) The Council may at any time cancel the hire of premises if the hirer contravenes or fails to comply with any provision of this part of the By-laws.
- (2) A cancellation in terms of subsection (1) is without prejudice to any right or claim which the Council may have against the hirer under any provision of these By-laws or at common law.



## CHAPTER 11 ARTS AND CULTURE AND COMMUNITY CENTRE FACILITIES

540-0

**40. Termination of period of hire**

- (1) Upon the termination of the period of hire for any reason, the hirer must return the premises and the facilities to the Council in good order and condition and must make good and repair or replace at his or her own cost on demand of the Council any damage or breakage or missing article or, in the alternative, reimburse the Council for the cost of repairing, making good or replacing any broken, damaged or missing article.
- (2) Every hirer must vacate the hired premises after termination of the period of hire.
- (3) If a hirer fails to vacate the premises after termination of the period of hire, he or she is liable to pay a further prescribed fee, for the additional period during which the hirer remains in occupation of the premises after the termination of the period of hire.
- (4) The provisions of subsection (3) do not preclude the Council from taking lawful steps to procure the eviction of any such hirer from the premises.
- (5) A hirer must comply with every reasonable and lawful instruction of the Council or an authorised official in respect of the cleaning of the premises when the hirer vacates the premises.
- (6) An authorised official may elect to undertake the cleaning of all crockery and cutlery used by the hirer.
- (7) A hirer must comply with all reasonable and lawful instructions of the Council or an authorised official in respect of the vacation of the premises and the return of the facilities concerned.

#### 41. Fire hazards and insurance

- (1) A hirer may not at any time bring or allow to be brought or kept on the premises, nor do or undertake nor permit to be done or undertaken in or on the premises, any matter, thing or activity whereby that may cause a fire or do anything whereby an insurance policy relating to the building concerned may become or becomes void or voidable or whereby the premium for any such insurance may be or is increased.
- (2) If the premiums for insurance contemplated in subsection (1), are increased as a result of any act or omission contemplated in that subsection, the Council may, in its discretion, allow the activity concerned to continue and recover from the hirer the amount due in respect of any additional insurance premiums.
- (3) The hirer must pay the amount contemplated in subsection (2) immediately on notification from the Council or the insurance company to the effect that such additional premiums have been charged.
- (4) The Council may at any time in its discretion require the hirer to take up insurance of the premises hired with an insurance company approved by the Council, against loss or damage by fire or any other cause during or as a result of any function or event for which the premises are hired.

#### 42. Storage facilities

- (1) The Council is not responsible for providing facilities for the storage of the equipment of the hirer, or the hirer's employees, visitors, supporters or agents during any period prior to, during or after the function or event concerned.

## CHAPTER II ARTS AND CULTURE AND COMMUNITY CENTRE FACILITIES

.43-.0

---

## 43. Equipment

- (1) A hirer who requests the Council to supply any equipment for use during a function or event, may use such equipment only with the permission of the Council and under the supervision of an authorised official.
- (2) The hirer is liable for the repair or replacement costs of the equipment referred to in subsection (1) if he or she causes damage to the equipment, or removes or causes the equipment to be removed from the premises without permission or, having removed it with permission, fails to return it,

## 44. Right of entry

- (1) Subject to the provisions of applicable national and provincial legislation, an authorised official or another authorised representative of the Council, or service provider may enter hired premises at any reasonable time-
  - (a) to inspect the premises and carry out any repairs, alterations, additions, modifications or improvements on or in the premises.
  - (b) in order to ensure that the conditions of hire of the premises and the provisions of this Part of the By-Laws are being complied with.
- (2) An authorised official, or a service provider is entitled to erect scaffolding, hoardings and building equipment in, at, near or in front of hired premises as well as such other devices required by law or which the Council's architects may certify as necessary in order to carry out the activities contemplated in subsection (1 )(a).

**45. Inspection**

- (1) Upon the conclusion of all the hirer's activities at the termination of the period of hire or at the cancellation of the hire in terms of any provision of these By-laws, an authorised official and the hirer or his or her nominee must inspect the premises, for the purpose of assessing any damage or loss in compliance with the provisions of these By-laws.

**46. Regulations**

- (1) A hirer must comply with the Council's security and fire protection regulations which may be in force in respect of the premises concerned.

**47. Nuisance**

- (1) No person attending or intending to attend any function or event in or on hired premises, may conduct himself or herself in an unseemly or obnoxious manner or cause a nuisance or annoyance to any other person in or user of the premises, or to any occupier of any other part of the building or neighbouring building.
- (2) An authorised official may, during any function or event of a hirer, instruct the hirer to remove from the premises any person who is in a state of intoxication or who is acting in contravention of subsection (1).
- (3) An authorised official may, during any function or event of a hirer, direct the hirer to prevent the entry into the hired premises by any person who is in a state of intoxication or who is acting in contravention of subsection (1).

**48. Group activities**

- (1) Every participant in a group activity must be a registered member of the centre at which such activity takes place.

## CHAPTER II. ARTS AND CULTURE AND COMMUNITY CENTRE FACILITIES

549-s0

---

- (2) Notwithstanding the provisions of subsection (1), a member may introduce a guest participant and every guest must be registered with an authorised official upon arrival, and, if no authorised official is then present, the particulars of the guest must be entered in a register kept at the centre for that purpose.
- (3) Unless permission to do otherwise has been granted by the authorised official in charge of a centre, a group activity may only take place under the supervision of an authorised official.
- (4) A group activity may only take place at times allocated for that activity by the authorised official in charge of the centre.

**49. Membership**

- (1) Membership of a centre is valid for one calendar year, from January to December of each year, or for the remaining portion of such year after the date of approval of an application for membership.
- (2) Membership may be renewed at the end of each year for the following year.
- (3) Resignation from membership during the course of a year does not entitle a member to a refund of any portion of the prescribed membership fee.

**50. Membership fees**

- (1) In determining prescribed fees for membership, the Council may differentiate between the prescribed fees payable by members of different centres and between classes of membership.

## CHAPTER II : ARTS AND CULTURE AND COMMUNITY CENTRE FACILITIES

sSI-054

---

51. Use of centres for religious or personal purposes

- (1) The Council may determine, either specifically or generally, the times when and the conditions under which any portion of a centre may be set aside for exclusive use by members of one sex only, whether in accordance with religious observance or for any other reason.
- (2) The Council may also determine which portions of a centre may be so set aside at such times.

## 52. Dress code

- (1) Any member and his or her guest must at all times be suitably attired for participation in the activity they propose to pursue, and without derogating from the generality of this requirement, no participant may wear any shoes or other footwear which, in the opinion of the authorised official in charge of, or supervising, the activity may cause damage to any part of the floor of a centre.

## 53. Conduct of children

- (1) Unless the group activity in which a child under the age of 14 years is participating is a session specially arranged for young participants, every such child must be accompanied to the centre and must at all times be under the control and supervision of a parent or other adult, and such parent or adult is responsible for the conduct of such child while present in the centre.

## 54. Application of certain sections of Part 1 of Chapter 2 to centres

- (1) The provisions of sections 22 to 29, 31, 34 to 37, 39 to 42, 45 and 46 read with the necessary changes, apply to the hire, operation and use of centres.

## CHAPTER III : RECREATION AND SPORT

.55-.56

---

## 55. Application of certain sections of Part 1 of Chapter 3 to centres

- (1) The provisions of sections 75 to 95 read with the necessary changes, apply to the operation and use of centres.

## CHAPTER III

## RECREATION AND SPORT

## 56. Definitions and interpretation

- (1) In this Chapter any word or expression defined in section -20, bears that meaning and, unless the context otherwise indicates -
- (a) "ablution room" means a room or facility set aside for persons lawfully present in a camping ground to wash themselves or to take a bath or shower;
  - (b) "calendar year" means the period 1 January to 31 December of any year;
  - (c) "camping ground" means any area of land which has been set aside by the Council for use as a camping ground or as a caravan park, or as both;
  - (d) "camping site" means an area of land in extent 10.75 square metres situate within the boundaries of a camping ground;
  - (e) "camping officer" means the Director of Parks or his or her duly authorised representative and includes an authorised official in charge of a camping ground;
  - (f) "caravan" means a vehicle or similar portable, movable or towable structure having no foundation other than wheels and jacks, which is designed and constructed so as to permit human occupation for dwelling or sleeping purposes and includes a mobile home, trailer, travel trailer and camper van;

- (g) "caravan site" means a site set aside and designated by a camping officer in a camping ground as an area for the parking of a caravan, with or without a side tent, and a motor vehicle for towing purposes;
- (h) "permit holder" means the person to whom a permit is issued in respect of a camping site or caravan site;

(2) Section 1 (2) applies equally to this Chapter.

#### 57. Lighting of fires prohibited

- (1) No person may camp or light a fire for the purpose of camping upon any open space vested in, or under the control of, the Council, except on a camping site.

#### 58. Permits

- (1) Any person who wishes to make use of a camping site or caravan site may do so only under and by virtue of a permit to do so.
- (2) A permit to occupy a camping or caravan site must be obtained from a camping officer, and is valid for the period specified on the permit.
- (3) Every permit holder and any person accompanying him or her must at all times comply with the conditions specified in the permit concerned and the provisions of this Part.

#### 59. Extension of permits

- (1) Subject to the provisions of this Part, the period of validity of a permit may be extended at the discretion of a camping officer if the site concerned has not previously been allocated to another party for the period in respect of which the extension is required.



## CHAPTER III RECREATION AND SPORT

.60-.0

---

**60. Limitation on the period of occupancy of a camping site**

- (1) No permit holder may occupy a camping site for a period longer than 30 days in al/ in any consecutive period of 12 months.

**61. Allocation and use of sites**

- (1) A camping site is al/ocated at the discretion of the camping officer in charge and may only be used for the purpose of a camping holiday and no building or structure whatsoever other than a tent for the bona fide use of the permit holder and his or her party may be erected on the camping site.
- (2) A caravan site may be allocated at the discretion of the camping officer in charge and may, subject to the provisions of subsection (4), only be used for the parking of a caravan and one towing vehicle.
- (3) A caravan parked on a caravan site may only be used to house the permit holder and his or her party.
- (4) The provisions of subsection (2) do not preclude the erection of a side tent which is attached to a caravan on a caravan site.

**62. Proper use of roads and pathways**

- (1) In proceeding to and from a camping site, a permit holder or members of a permit holder's party must travel over the established roads within the camping ground and may not drive any vehicle across other camping sites or other areas.

63. Reservation of sites

- (1) A camping or caravan site may be reserved in advance, provided that such reservation will lapse if the person making the reservation does not present himself or herself to the camping officer in charge on or before the first day of the period of the reservation and pay the prescribed fee.
- (2) No refund of any prescribed fee paid in advance will be made in respect of a camping or caravan site reserved but not occupied.

64. Right of refusal to issue or renew permits

- (1) A camping officer may refuse to issue or renew a permit to any person whom he or she reasonably suspects to be under the influence of intoxicating liquor or habit forming drugs.

65. Obligations of permit holders

- (1) A permit holder-
  - (a) must take all precautions to prevent the creation of any nuisance prejudicial to public health or the peaceful enjoyment by others of the camping ground and its facilities;
  - (b) may not by act or omission cause or permit such a nuisance to exist on his or her camping or caravan site;
  - (c) must make camp or park a caravan on a site allocated in his or her permit and pointed out by the camping officer;
  - (d) must comply with any reasonable instruction of the camping officer as to the manner of making camp or parking a caravan or towing vehicle;

## CHAPTER III : RECREATION AND SPORT

566-068

---

- (e) must ensure that the camping or caravan site allotted in his or her permit is kept in a clean and sanitary condition;
- (f) may not deposit or permit to be deposited any litter, rubbish or refuse, whether within or outside the allocated camping or caravan site, except in places which have been set apart for that purpose by the Council.
- (g) is responsible for the maintenance of good order and decency on his or her camping or caravan site and may not allow anything therein to interfere with the comfort and convenience of other campers;
- (h) must voluntarily vacate the camping or caravan site on the expiry or cancellation of his or her permit failing which he or she may be ejected from the camping ground by a camping officer without notice.

## 66. Cancellation of permits

- (1) If a permit holder or any member of his or her party commits a breach of any provision in this Part, a camping officer may, after having considered any reasons advanced by such permit holder as to why that camping officer should not act in terms of this section, cancel his or her permit.

## 67. Access and loitering by members of the public prohibited

- (1) No person, other than a permit holder or a member of a permit holder's party or a bona fide guest of a permit holder, may enter, or loiter in or about, any camping ground.

## 68. Site to be left in a clean condition

- (1) Every permit holder vacating a camping or caravan site must -

## CHAPTER III : RECREATION AND SPORT

569-s71

- (a) leave that site in a clean and tidy condition and take steps to have all rubbish generated, deposited in a rubbish bin provided for that purpose; and.
- (b) fill in any hole made in the ground by him or her or any member of his or her party.

## 69. Washing of clothes and utensils and preparation of foodstuffs

- (1) No permit holder or a member of his or her party may wash clothes, clean household utensils, fish, vegetables or the like or prepare food, except at a place set aside for that purpose or a place which a camping officer may indicate.

## 70. Trading without permission

- (1) No person may carry on any trade or business at any camping ground without the prior written permission of the Council.
- (2) No person may hawk or expose for sale any goods whatsoever within the precincts of any camping ground without the prior written permission of the Council.

## 71. Damage to vegetation or property

- (1) No person may cut down or damage any tree, shrub or other plant or unnecessarily disturb any vegetation within any camping ground.
- (2) No person may wilfully or negligently damage any tap, toilet, notice board or any other property belonging to the Council in a camping ground.

## CHAPTER 11\ RECREAnON AND SPORT

s72-075

---

## 72. Instructions of camping officer to be complied with

- (1) Any person, must who uses a camping ground with any lawful instruction of a camping officer concerning any camping ground, and no unauthorised person may remain therein after having been requested to leave by a camping officer or authorised official.

## 73. Registration and use of firearms

- (1) No firearm may be brought into a camping ground, except for the personal protection of a permit holder and his or her party.
- (2) Any firearm must be declared and registered with a camping officer upon arrival at the camping ground. and if not required for personal protection, may be impounded by a camping officer. The firearm must be returned to the owner upon departure from the camping ground.

## 74. Protection of wild life

- (1) No person may shoot, trap or in any way injure or interfere with any animal, bird or fish in a camping ground.
- (2) No person may fish in a camping ground, except in a river or dam where a notice permitting fishing is displayed, and only if the person concerned holds a valid licence to fish issued in terms of any applicable law.

## 75. Special requirements regarding caravan parks and caravans

- (1) A permit holder may only use hooks or pegs approved by a camping officer, to fasten or anchor a caravan or side tent.
- (2) No person may bathe or shower in any place other than an ablution room.

- 
- (3) No permit holder who has been issued with a permit for a period of less than 14 days, may subject to the provisions of paragraph (b) keep any animal in a caravan or on a caravan site except with the prior written permission of a camping officer, who may refuse such permission on grounds of the size, nature, or behaviour of the animal concerned.
- (4) The permission contemplated in subsection(3) may be withdrawn without notice if the animal concerned misbehaves or causes a nuisance to any other occupant of the camping ground:
- (5) For the purposes of subsection(4). an animal does not include a small dog standing less than 25 centimetres at the shoulder, a cat, canary, budgerigar or parakeet or similar caged bird that does not utter disturbing sounds, turtle, tortoise, goldfish or similar fish type, or other pet which is unlikely to cause a nuisance.
- (6) No person occupying a caravan site may make undue noise or, without the prior permission of a camping officer, play any musical instrument in the camping ground, and no television set, radio, gramophone, tape recorder or other device for the reproduction or broadcast of recorded sound may be operated -
- (a) outside a caravan; or
- (b) inside a caravan except at a level of output that is unlikely to cause a nuisance or disturbance to any other occupant of the camping ground.
- (7) Any electrical generator powered by an internal combustion engine must be of such design that the noise of the engine is sufficiently muffled as not to cause a disturbance to any other occupant of the camping ground and may not be operated between the hours of 20h00 and 06h00.
- (8) If a chemical toilet is used in a caravan, the permit holder must ensure that it is free of any offensive odour and that it is emptied and cleaned regularly.

## CHAPTER III RECREATION AND SPORT

.76-.0

---

## 76. Definitions and interpretation

- (1) In this Part, any word or expression defined in section 20, bears that meaning and, unless the context otherwise indicates -
- (a) "group activity" means any sporting activity involving, or conducted by, an organised body of people which body can be joined by any member of the public who is eligible for membership, and "group" has a corresponding meaning;
  - (b) "local sport facility" means any sport facility which falls within the area of jurisdiction of the Council;
  - (c) "notice" means a clearly visible notice in the official languages determined by the Council as contemplated in section 21 (2) of the Local Government: Municipal Systems Act, 2000, or any graphic icon depicting notification to members of the public;
  - (d) "sporting activity" means any game or recreational activity pursued in a sport facility, and includes practice and training sessions;
  - (e) "sport facility" means any area, building or structure which is designated or set aside for a sporting activity and which is owned, managed or controlled by the Council, including but not limited to a stadium, a tennis court or tennis court complex, a squash court or squash court complex, a swimming pool, a golf course or an ice rink, or any combination of such facilities, and the surrounding and ancillary facilities associated with any such sport facility;

---

**77. Administration**

- (1) Subject to the Council's statutory duty to use the resources of the Council in the best interest of the local community, as envisaged in Section 4(2)(a) of the Local Government: Municipal Systems Act, 2000, all local sport facilities must be administered by or on behalf of the Council in accordance with this Part: Provided that nothing in this Part may be interpreted so as to prevent the Council from disposing of any local sport facility or any rights thereto, in accordance with applicable legislation.
- (2) The use and enjoyment of the local sport facilities by the local community or by any other person are subject to such terms and conditions as may be determined by the Council from time to time, and subject also to such terms and conditions, not inconsistent with this Part, which are contained in any agreement of hire or lease entered into between the Council and any individual or group.
- (3) Despite the right of the local community to the use and enjoyment of the local sport facilities, the Council is entitled to hire out any local sport facility on a regularly recurring or specific basis for any purpose whatsoever.

**78. Access conditions**

- (1) No person, other than an authorised official or any other person duly authorised by such official, may enter or be admitted into any local sport facility or any part thereof otherwise than by an entrance designated for that purpose.
- (2) The right of access to any local sport facility is reserved by the Council at all times and an authorised official may refuse admission to any person or instruct any person to leave a local sport facility forthwith if such person behaves or conducts him or herself in a manner which is considered by the authorised official to be prejudicial to good order or contrary to, or disruptive of, the generally accepted rules for the sporting activity concerned.



## CHAPTER III . RECREATION AND SPORT

578

---

- (3) In the event of a person contemplated in subsection (1), refusing to leave a sporting facility voluntarily when instructed to do so, the authorised official is entitled to eject such person forcibly from the local sport facility, with or without the assistance of security personnel or a member of the South African Police Services or a member of any other police force, if available.
- (4) The Council has a discretion to determine the maximum capacity of any local sport facility, and an authorised official, or any other person designated by him or her, may, once the maximum capacity has been reached, refuse further access to that facility by closing every entrance to the facility and, if necessary, by the construction of barriers at any entrance to the facility, and by displaying a notice prohibiting further access to the facility, once such maximum capacity has been reached.
- (5) For the purpose of ensuring that law and order is observed and for the safety of persons patronising or using a local sport facility, an authorised official has the power to -
  - (a) search any person wishing to enter that facility;
  - (b) search any container of whatever kind which such person proposes to bring into or on to that facility;
  - (c) search any motor vehicle entering that facility;
  - (d) seize any item or object being carried by any person or revealed by any such search which, in the opinion of the authorised official-
    - (i) is a substance the possession of which is prohibited by any law;
    - (ii) is or could become a dangerous weapon;
    - (iii) contains intoxicating liquor; or
    - (iv) might otherwise be used to disrupt the peaceful enjoyment of that facility by persons lawfully admitted to that facility;

- 
- (6) With the exception of any substance referred to in subsection (5)(d)(i), any object seized in terms of paragraph (d), must be returned to the person concerned, upon request, at his or her departure from the local sport facility.
  - (7) The Council must, display conspicuous notices at or near every entrance gate, indicating the hours during which a local sport facility is open to members of the public:
  - (8) The Council may at any time temporarily close a local sport facility to members of the public for purposes of repair, maintenance, hire to a group, or for any other reason.
  - (9) No unauthorised person may enter or remain inside, a local sport facility, at any time other than during the hours when that sport facility is open to members of the public or during any period when that facility is closed in terms of paragraph (b).

#### 79. **Smoking**

- (1) Subject to any other law, and save for an open air local sport facility, such as an open air stadium or a golf course, no person may smoke in a local sport facility except in any portion thereof which has been designated for that purpose, as indicated by a notice to that effect.

#### 80. **Alcoholic beverages**

- (1) Subject to the terms and conditions stipulated in any agreement entered into between the Council and a hirer of a local sport facility, and subject to any other law, no person may -
  - (a) sell any alcoholic beverage on the premises of a sport facility without the prior written permission of the Council; or
  - (b) bring his or her own supply of alcoholic beverage on or into a local sport facility without the prior written permission of an authorised official.

## CHAPTER III : RECREATION AND SPORT

s81-s82

---

- (2) If the sale and consumption of alcohol on or in a local sport facility is permitted by the Council, such sale or consumption is on condition that-
- (a) beer, cider and alcoholic cordials of all descriptions is served only in a can, keg, or plastic cup, and no alcoholic beverage may be served in a glass bottle; and
  - (b) no person who is under 18 years of age is served or allowed to consume any alcoholic beverage and the hirer of a sport facility or the person in charge thereof, as the case may be, is responsible for ensuring that this age limit restriction is observed.

**81. Duties of hirer**

- (1) A hirer of a local sport facility is responsible for the maintenance of good order and socially acceptable behaviour within the sport facility and must ensure that the sport facility is left in the same condition it was in when he or she was given possession thereof, failing which the hirer is liable for the cost to the Council of repairing any damage to, or cleaning, that facility.

**82. Dress code**

- (1) Every person who participates in a sporting activity must wear appropriate apparel for that activity and an authorised official who is of the opinion that any person is not appropriately clothed, may instruct that any additional item of apparel be worn for a particular sporting activity *by* that person.
- (2) No person may wear shoes or other footwear which may damage the surface of a local sport facility in any manner and an authorised official may instruct that they be removed forthwith and, if the person concerned refuses to comply with such instruction, may prohibit such person from participating in the activity concerned.

- 
- (3) If the conduct of a person not participating in a sporting activity is such that his or her shoes are likely to cause damage to a local sport facility while wearing such shoes an authorised official may eject the person concerned from the premises and debar him or her from re-entry until such shoes have been removed.

### 83. **Hiring of sport facilities**

- (1) The hiring of a local sport facility must be arranged by prior reservation with an authorised official and must be recorded in a register kept by an authorised official for that purpose and, depending on the length of the period for which the facility is to be hired, may be on a first-come-first-served basis.
- (2) The purpose for which the local sport facility is to be hired must be disclosed to the authorised official with whom the reservation is made, who may refuse the reservation if such purpose is, in his or her opinion, illegal or contrary to the policy of the Council or is likely to result in violence or possible damage to that facility or to other property.
- (3) The terms and conditions of the hiring of a local sport facility must be contained in a written agreement, which must be signed by both the hirer and the authorised official at least 7 days prior to the date of commencement of the proposed hiring, or such shorter period as may be agreed upon with the authorised official, against payment by the hirer of a prescribed fee as confirmation of the reservation.
- (4) No agreement for the hiring of a local sport facility may be entered into with any minor, unless properly assisted by his or her parent, guardian or tutor, and the authorised official is, in his or her discretion, entitled to require any applicant for hire to produce proof of age.
- (5) The agreement contemplated in section 79(1) constitutes proof of reservation and the hirer must produce it at any stage whilst making use of the local sport facility if he or she is required by an authorised official to do so.

## CHAPTER 11 : RECREATION AND SPORT

s84-s0

---

- (6) A hirer of a local sport facility on which any alcoholic beverage is served is responsible for ensuring that the age limit restriction contemplated in section 79(2) (b) is observed at all times.
- (7) A hirer of a local sport facility must take out an insurance policy with an insurance company approved by the Council, in an amount likewise approved, to cover any structural damage which may occur to the sport facility whilst being used by the hirer, and may also be required by the Council to take out public liability insurance, likewise approved, in respect of the death of, or injury to, any person that may occur during or as a consequence of any activity taking place during the period of hire.

**84. Reservation of sport facilities by the Council**

- (1) Notwithstanding any other provision of these By-laws, the Council may -
  - (a) for any period reserve any local sport facility for the holding of any specific sporting activity or competition and may during any such period or on any other day reserve to itself the right of admission to that facility and determine a fee for admission to that facility;
  - (b) reserve any local sport facility either permanently or for such period as it deems fit.
- (2) Except insofar as is provided otherwise in subsection (1), the provisions of this Part, read with the necessary changes, remain applicable to a local sport facility reserved in terms of subsection (1) and to any person visiting or using it while it is being used for the purpose for which it was reserved.

---

**85. Group activities**

- (1) Each participant in a group activity must be registered as a member of the group concerned, or be a bona fide guest of the group, introduced as a member; and the Council may determine a prescribed fee for the hire of a sport facility if it is used by guests in addition to the registered members of a group.
- (2) Each member of a group making use of a local sport facility must be issued with a membership card either by the group, or by the Council, if the Council elects to establish a club or group for any group activity on or in that sport facility.
- (3) Any member who fails to produce his or her membership card when requested to do so by an authorised official, may be refused admission.
- (4) The holder of a membership card may not transfer it or allow it to be used by any other person.
- (5) If any membership card issued by the Council is lost, it will be replaced at the cost of the member.
- (6) A membership card must be renewed annually and, if issued by the Council, the prescribed fee therefore must be paid;
- (7) Any group activity may be organised and controlled by an authorised official, free lance instructor, volunteer or any other person, and an authorised official may be present in any instance where the activity is not controlled or organised such official.
- (8) Every group must strictly adhere to the specific period allocated to it by an authorised official for the use of a local sport facility or any part thereof, and if the use is extended beyond such period, an additional prescribed fee becomes payable.

## CHAPTER III : RECREATION AND SPORT

585

---

- (9) If a local sport facility or any part thereof has been allocated to a group, either for a group activity or for any other purpose, that group must ensure that it or its members make regular use of its allocated period and that if any group is for any reason unable to use its allocated period, the authorised official who is in charge of the sport facility must be notified beforehand.
- (10) If the use of a local sport facility has been allocated to a group for a specific activity, that group is prohibited from engaging in any other type of activity on or in the sport facility concerned during the allocated period unless prior permission to do so has been obtained from an authorised official in charge of the sport facility concerned.
- (11) A group may not transfer its allocated period to any other group or person, and any alteration in the local sport facility programme must be negotiated and agreed with an authorised official in charge of the sport facility concerned.
- (12) A group may be instructed by an authorised official to cancel their regular activities on a particular day due to any circumstances, including repairs and maintenance, which may require temporary closure of the whole or part of a local sport facility.
- (13) An authorised official must give prior written notice to an affected group of a proposed instruction in terms of paragraph (a).
- (14) Notwithstanding the provision of paragraph (b), an authorised official may cancel at short notice any regular activity if, in his or her opinion, a situation of emergency has arisen which renders such cancellation necessary or desirable.
- (15) Notwithstanding anything to the contrary contained in this Part, it is competent for an authorised official to suspend or terminate with immediate effect the use of a local sport facility by any person or group whose conduct or behaviour is, in the opinion of that official, prejudicial to good order or the generally accepted rules of the group activity concerned.

- 
- (16) Any person whose participation in a group activity or use of a local sport facility is suspended in terms of subsection (11), is barred from entering into the local sport facility concerned or participating in the group activity concerned until the suspension is raised by an authorised official.

**86. Public decency**

- (1) No person may be present in or on any local sport facility, except in a change room or ablution facility specifically set aside for use by persons of the same sex, in a state of undress or any other state which is indecent or harmful in any way to the morals of any other person present in or on the sport facility at the time.
- (2) An authorised official may instruct any person to refrain from contravening paragraph (a) and such person must comply with the reasonable requirements of that official so as to remove the cause of contravention, and failing such compliance, that person may be ejected from the sport facility and denied re-entry until the offending state of undress or other state contemplated in paragraph (a) has been remedied.
- (3) No person may relieve him or herself in any part of a local sport facility other than in the ablution facilities specifically provided for that purpose and for use by members of his or her own sex.
- (4) Any cubicle, change room and place of ablution set aside for persons of one sex may not be used by any person of the other sex and no person, other than a child not exceeding the age of five years, may enter any part of the premises which is reserved for the use of persons of the other sex.
- (5) No person may occupy a change room for longer than is reasonably necessary to change into different attire.



## CHAPTER III: RECREATION AND SPORT

587-00

---

- (6) No person may use profane or indecent language or behave in an indecent manner or in any other manner which, constitutes a nuisance or hinders or interferes with the enjoyment of a local sport facility by other persons, and, if that person persists in such conduct after having been instructed by an authorised official to desist, he or she may be ejected forthwith from the sport facility by that official.

**87. Clothing and personal effects**

- (1) Subject to the availability of an appropriate storage facility within the premises of a local sport facility, a person who has changed into appropriate attire in order to participate in a sporting activity may place his or her clothing, possessions and effects in a container provided for the purpose by an authorised official, and may deposit such container for safekeeping in the change room or any other place which an authorised official may direct.
- (2) The authorised official must give a disc or other token bearing a number or other distinguishing mark by means of which the container may be identified, to the person concerned.
- (3) Notwithstanding the provisions of subsection (2), a scholar intending to participate in a group activity organised by his or her school or a voluntary schools association, may present his or her clothing, possessions and effects for deposit in terms of this section in a neat bundle only.
- (4) The authorised official must return a container or bundle referred to in subsection (1) or (3) with all its contents to the person surrendering the appropriate disc in exchange therefore.

**88. Prescribed fees**

- (1) The person concerned must pay the appropriate prescribed fee for admission to, or hire or use of, any local sport facility and any other prescribed fee contemplated in this Part.

**89. Generally prohibited conduct**

- (1) No person may
- (a) wilfully or negligently destroy, damage or deface any part of a sport facility, including any feature, fixture, fitting or appliance contained therein or any article supplied by the Council for use in a local sport facility;
  - (b) throw, deposit or drop or cause to be thrown, deposited or dropped any refuse, glass, tin, paper, fruit, fruit peels, sharp object or any other object that is perishable, offensive or that may interfere with the cleanliness of a local sport facility or that may cause annoyance, danger, injury or accident to any other person inside a sport facility; other than inside a refuse bin or container provided by the Council for that purpose;
  - (c) remove or in any way interfere with any gravel, sand, sod, turf, mould or other substance covering the surface of a local sport facility;
  - (d) except where special provision therefore has been made by the Council, light any fire or do any act which may cause any substance or thing to catch fire inside a local sport facility;
  - (e) walk upon or recline in any flowerbed or lawn on the premises of a local sport facility or draw, drive or propel thereon any vehicle or machine of whatsoever nature in contravention of any prohibitory notice displayed in a conspicuous place therein or thereon;

## CHAPTER III: RECREATION AND SPORT

s0

---

- (f) encroach upon or build any enclosure, make any hole, or erect or place any peg, spike, tent, booth, screen, stand, swing or any other building, erection or structure of on or within a local sport facility, without written authority from an authorised official;
- (g) except in any place and at any time prescribed by these or any other Bylaws or by a notice displayed at the entrance to a local sport facility, drive, draw or propel any vehicle within a local sport facility
  - (i) other than a wheelchair, whether propelled by electrical power or not, or perambulator propelled by hand and used solely for the conveyance of an invalid or a child;
  - (ii) except in any place where access of vehicles is allowed; or
  - (iii) in excess of the speed limit indicated by a notice displayed in the local sport facility.
- (h) sell, hawk, advertise, place any advertisement, offer or expose any article for sale or hire or distribute any pamphlet, book, handbill or other written or printed matter inside a local sport facility without the prior written permission of an authorised official;
- (i) tamper with or in any way interfere with the action or function of any lock, cock, tap, valve, pipe or other appliance or any machine in a local sport facility.
- (j) otherwise do anything which may endanger the safety of others or constitute a nuisance, obstruction or annoyance to member of the public, either inside or outside a local sport facility.

90. Animals

- (1) Unless where otherwise allowed by a notice displayed in a conspicuous place at the entrance to a local sport facility, or the sport facility is designed or has been hired out for an activity that necessarily involves the presence of animals, no animal other than a guide dog may be brought into a local sport facility, without the prior written permission of an authorised official.

91. Infectious diseases

- (1) No person who is suffering from or is in quarantine for any infectious or contagious disease may enter or seek admission to any local sport facility.

92. Firearms and traditional weapons

- (1) No firearm or traditional weapon may be brought into a local sport facility, unless, subject to the availability of a safe or other appropriate storage facility at the entrance to a local sport facility, it is surrendered to an authorised official for safe keeping and must be collected from that official when leaving the local sport facility.

93. Disturbance by sound systems

- (1) No amplified music or sound relayed through a public address system is allowed in a local sport facility without the prior permission of an authorised official and then only in an area specified by that official and any sound system must be positioned in such a way that sound travels to the interior of the sport facility with volume at a moderate level so that it will not disturb the peace and quiet of the surrounding community.

## CHAPTER IV : MISCELLANEOUS

s94-s0

---

## 94. Sale of food and refreshments

- (1) No person may, without the prior written permission of the Council and, subject to compliance with any other law, prepare or sell food or refreshments within a local sport facility or in the immediate vicinity of an entrance thereto.

## 95. Filming and photographs

- (1) No person may without the prior written permission of an authorised official film or take a photograph for reward or anticipated profit, on or in a local sport facility.
- (2) Written permission must be obtained from the Council for the filming of commercial material or documentaries, which is subject to payment of a prescribed fee.

## 96. Sport advisory forum

- (1) The Council may establish a sport forum or sport council to assist and advise it in connection with the management of any or all of its local sport facilities, and sport representatives and members of groups may be elected to serve on such a body.

## CHAPTER IV

## MISCELLANEOUS

## 97. Definitions and interpretation

- (1) In this Chapter, unless the context otherwise indicates, "authorised official" and "Council" bears the same meaning as defined in section 20.
- (2) Section 1 (2) applies equally to this Part.

**98. Animals in facilities**

- (1) Subject to any provision to the contrary contained in these By-laws, no dog, except a guide dog accompanying a blind person, or other pet may be brought into the premises of any facility contemplated in these by-laws, except with the prior written permission of an authorised official or other employee of the Council in charge of the facility concerned.
- (2) Permission in terms of subsection (1) may not be granted in respect of -
  - (a) any area inside, or occupied by, any building or structure;
  - (b) the premises of any swimming pool; or
  - (c) any area where the presence of dogs or other pets are prohibited by a notice displayed by the Council.
- (3) Any dog in respect of which permission has been granted in terms of subsection (1) must while it is on the premises concerned, at all times be on a leash and under control by its owner or other person in charge of the dog.
- (4) Any excretion left by a dog on premises contemplated in this section, must immediately be removed by the owner or person in charge and be deposited in a waste receptacle provided by the Council or removed from the premises.

**99. Liability for acts and omissions**

- (1) Neither the Council nor an employee of the Council is liable for anything done or omitted whilst acting in terms of or for the purposes of these By-laws, unless
  - (a) the Council or employee is expressly made liable in terms of the by-laws;
  - (b) the Council or employee is delictually liable at common law; or

## CHAPTER IV : MISCELLANEOUS

5100-s102

---

- (c) the Councilor employee expressly accepts liability in terms of an agreement with the person alleging such liability.

**100. Offences and penalties**

- (1) Any person who
  - (a) contravenes or fails to comply with any provision of these By-laws;
  - (b) fails to comply with any notice issued or displayed in terms of these By-laws; or
  - (c) fails to comply with any lawful instruction given in terms of these By-laws; or
  - (d) who obstructs or hinders any authorised official, other official or representative, of the Council in the execution of his or her duties under these By-laws,

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months, and in the case of a continuing offence, to a further fine or in default of payment to imprisonment not exceeding one (1) day for every day during the continuance of such offence after a written notice has been issued by the Council requiring the discontinuance of such offence, and for a second or subsequent offence he shall be liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months.

**101. Repeal**

The By-laws set out in Schedule 1, are hereby repealed, to the extent set out in that Schedule.

**102. Short title**

These By-laws are called Culture and Recreation By-laws, February 2006.

## SCHEDULE I : BY -LAWS REPEALED

sl02

**SCHEDULE 1**  
**BY -LAWS REPEALED**

Number and Year	Name of By-laws	Extent of Repeal
Administrator's Notice 441 dated 21 August 1940		Whole
Administrator's Notice 81 dated 3 February 1954		Whole
Administrator's Notice 287 dated 5 April 1955		Whole
Administrator's Notice 295 dated 14 May 1958		Whole
Administrator's Notice 218 dated 23 March 1966		
Administrator's Notice 643 dated 24 August 1966		Whole
Administrator's Notice 796 dated 19 October 1966		
Administrator's Notice 934 dated		
Administrator's Notice 311 dated 8 March 1972		
Administrator's Notice 815 dated		Whole



## SCHEDULE I : BY -LAWS REPEALED

,102

15 May 1974		
Administrator's Notice 1060 dated 2 September 1981		Whole
Government Notice R.2610 dated 2 December 1983 under section 27 (2A) of the Black Local Authorities Act, 1982 (Act 102 of 1982) read with section 13(3) of the Local Government Transition Act, 1993 (Act No 209 of 1993)		

(Government Notice R.1449 dated 13 July 1984 under section 27 (2A) of the Black Local Authorities Act, 1982 (Act 102 of 1982) read with section 13(3) of the Local Government Transition Act, 1993 (Act No 209 of 1993) as amended by Administrator's Notice 188 dated 17 April 1991		
Government Notice R.1450 dated 13 July 1984 under section 27 (2A) of the Black Local Authorities Act, 1982 (Act 102 of 1982) read with section 13(3) of the Local Government Transition Act, 1993 (Act No 209 of 1993) as amended		

## SCHEDULE I : BY LAWS REPEALED

sl02

by Administrator's Notice 187 dated 17 April 1991		
Government Notice R,2011 dated 6 September 1985 under section '27 (2A) of the Black Local Authorities Act, 1982 (Act 102 of 1982) read with section 13(3) of the Local Government Transition Act, 1993 (Act No 209 of 1993) as amended by Administrator's Notices 1620 dated 28 October 1987, 1881 dated 9 December 1987 and 748 dated 29 June 1988		
Local Authority Notice 2825 dated 3 August 1994		
Local Authority Notice 1841 dated 5 August 1998		
Details of notice could not be established		
Local Authority Notice 1840 dated 15 August 1998		

FEBRUARY 2006

FINAL DRAFT

**FETAKGOMO LOCAL MUNICIPALITY**  
**BILL BOARD AND DISPLAY ADVERTISEMENT**  
**BY-LAWS**

## CHAPTER I : APPLICATION AND INTERPRETATION OF BY-LAWS

,I

## TABLE OF CONTENTS

<b>CHAPTER 1</b>	— —	72
<b>APPLICATION AND INTERPRETATION OF BY-LAWS</b>		72
1. Application of By-laws		72
2. Interpretation of By-laws		72
3. Submission of Applications		82
4. Charges and general factors in considering approval or amendments/conditions to approval		85
5. Factors relating to specific signs, areas of control and commercial sponsored signs		87
<b>CHAPTER II</b>		89
<b>STANDARD CONDITIONS FOR APPROVAL</b>		89
6. Structural requirements		89
7. Electrical requirements		90
8. Illumination requirements		91
9. Road traffic safety requirements		92
10. Table 1; linear spacing between signs		94
11. Legal requirements		95
12. Approval		95
13. Appeal		96
14. Subject to compliance with the conditions pertaining thereto or set out hereunder, the municipality's approval is not required for the following signs:		97
15. On Premises Business Signs		98
16. Window Signs		99
17. Signs incorporated in the face of a building		99
18. 60. Signs on Sports Fields		99
19. Security Signs	— — — — —	99
20. Disfigurement		101
21. Damage to municipal property		101
22. Entry and inspections		101

## CHAPTER 1: APPLICATION AND INTERPRETATION OF BY-LAWS

51

23. Offences	101
24. Presumptions	103
25. Enforcement and removal of signs	104
26. Service of notices	105
27. Magistrate's court jurisdiction — — — — —	106
28. Repeal of By-laws	106
29. Savings	106
SCHEDULE 1	107
<b>AREAS OF CONTROL — — — — —</b>	<b>107</b>
SCHEDULE "2"	109
<b>BILLBOARDS -</b>	109
SCHEDULE "3"	111
<b>LOCALITY BOUND FREESTANDING AND COMPOSITE SIGNS</b>	111
SCHEDULE "4"	113
<b>SIGNS ATTACHED TO WALLS OF BUILDINGS: FLAT AND PROJECTING SIGNS</b>	113
SCHEDULE "5"	114
<b>SKY SIGNS — — — — —</b>	<b>114</b>
SCHEDULE "6"	115
<b>ROOF SIGNS,</b>	115
SCHEDULE "7"	116
<b>SIGNS ON A VERANDAH, BALCONY, CANOPY, SUPPORTING COLUMNS, PILLARS AND POSTS</b>	116
SCHEDULE "8"	117
<b>SIGNS ON BOUNDARY WALLS AND FENCES AND ON CONSTRUCTION SITE HOARDING:</b>	117
SCHEDULE "g" — — — — —	<b>118</b>
<b>HEADLINEPOSTERS</b>	118
SCHEDULE "10"	121

CHAPTER 1 : APPLICAnON AND INTERPRETATION OF BY-LAWS

sl

----- 128

----- 129

----- 133

## CHAPTER I: APPLICATION AND INTERPRETATION OF BY-LAWS

sl-s2

---

## BILLBOARDS AND ADVERTISEMENT BY-LAWS

The Municipal Manager of the Fetakgomo Local Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Billboard and Advertisement By-laws for the Fetakgomo Local Municipality, as approved by its Council, as set out below.

## CHAPTER 1

## APPLICATION AND INTERPRETATION OF BY-LAWS

## 1. Application of By-laws

## (1) These By-laws apply-

- (a) Within the defined boundaries of the Fetakgomo Municipality.
- (b) In addition to any applicable national or provincial law.

## 2. Interpretation of By-laws

## (1) Unless the context otherwise indicates:

- (a) "Advertising structure" means any physical structure built or capable of being used to display a sign.
- (b) "Advertisement" means any representation of a word, name, letter, figure or object or an abbreviation of a word or name, or any symbol; or any light which is not intended solely for illumination or as a warning against any dangers and "advertising" has a corresponding meaning.

## CHAPTER 1: APPLICATION AND INTERPRETATION OF BY-LAWS

.2

- 
- (c) "Aerial sign" means a sign that is displayed or performed in the air, including but not limited to balloons and blimps that can be viewed from within the Municipality's area of jurisdiction.
  - (d) "Areas of control" means those areas set out in Schedule I of the By-law; and which may be modified or amended from time to time, which amendments and modifications will be graphically depicted by way of maps as prepared by the Municipality from time to time.
  - (e) "Banner" means any material upon which a sign is displayed in such a manner as to be fully legible in windless conditions, attached to one or more ropes, poles or flagstaffs projecting vertically, horizontally or at an angle, or attached to buildings or special structures, but excludes banners carried as part of a procession. A flag which is not displayed on an approved flagpole is for the purposes of this By-law, deemed to be a banner.
  - (f) "Billboard" means any screen or board which stands free and is larger than  $4,5\text{m}^2$  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 a sign.
  - (g) "Clear height", in relation to a sign, means the vertical distance between the lowest edge of the sign and the natural level of the surrounding ground, footway or roadway immediately below the sign.
  - (h) "Commercial advertising" means any words, letters, logos, figures, symbols, pictures relating to the name of a business, trade, partnership, individual, any information, recommendation or exhortation; in respect of any particular goods manufactured or sold, or any particular services rendered or offered, or any event for commerce or entertainment, including sporting events.
  - (i) "Commercially sponsored sign" means a sign which advertises goods or services; but the erection of which has a secondary purpose, which is to promote or contribute to some recognised public or community goal or function.



## CHAPTER I : APPLICATION AND INTERPRETATION OF BY-LAWS

82

---

- (j) "Common boundary facade" means any facade of a building which is built abutting a rear or side boundary of an ert and which facade is blank, meaning having no architectural features, which includes windows.
- (k) "Composite sign" means a single freestanding advertising structure for the display of more than one advertising sign.
- (l) "Consultant" means a suitably qualified independent person or company that acts on behalf Of, or as an agent of: an applicant for approval of a sign in terms of this By-law.
- (m) "Continuing offence" means an offence in terms of this By-law, which continues to exist, after the expiry of the notice period referred to in a notice served in terms of this By-law.
- (n) "Custom made design" means the design of any sign, which features special effects such as specialist character cut-outs or shapes, or three dimensional presentations or moving parts and which is uniquely designed or constructed for erection in a particular location.
- (o) "Development board" means a sign displayed at premises upon which building operations are in progress and relating to any services being provided, work being done or goods being supplied in connection with such building operations. This excludes contract boards for building and civil engineering projects as required in terms of the National Building Regulations and Control Act, 103 of 1977 as amended from time to time and defined in terms of the General Conditions of Contract or Specifications of the appropriate institutions.
- (p) "Display" means the display of a sign and includes the erection of any billboard, sign or structure intended solely or primarily for the support of a sign or billboard; and, in addition. includes the display of a sign of a business, trade partnership or individual connected with the contents of the sign or sign; and "*displayed*" has a corresponding meaning.

## CHAPTER 1 : APPLICATION AND INTERPRETATION OF BY-LAWS

s2

- 
- (q) "Electronic sign" means a sign which has an electronically controlled, illuminated display surface which allows all, or a portion, of the sign to be changed, or illuminated in different ways.
  - (r) "Environmental Impact Assessment" (*EtA*) means an assessment carried out in accordance with the Municipality's guidelines for outdoor advertising.
  - (s) "Estate Agency" means a person who markets or sells properties with or without buildings erected thereon and "*estate agent*" has a corresponding meaning.
  - (t) "Existing sign" *means* any sign previously approved by the Municipality.
  - (u) "Flat sign" means a sign which is affixed to, or painted directly onto, a wall of a building but not onto, or over, windows or doors or architectural articulations and which at no point projects more than 250 mm in front of the surface of such wall.
  - (v) "Free-standing sign" means any sign or group of signs contained or displayed on one freestanding structure which is not attached to a building or to any structure or object not intended to be used for the primary purpose of advertising.
  - (w) "Gateway route" means a prominent route with an entrance to or exit from a specific part of the Municipality's jurisdiction, consisting of man-made or natural features and creating a strong sense of arrival or departure and which is consistent with the Municipality's planning or development framework plans or policies. These routes may be geographically depicted by way of maps or listed by the Municipality from time to time
  - (x) "Graphic" includes but is not limited to any component which contributes to the visual appearance or aesthetics of a sign including its background.

## CHAPTER 1 : APPLICATION AND INTERPRETATION OF BY-LAWS

s2

---

- (y) "Headline poster" means a temporary poster advertising the contents of a daily or weekly newspaper.
- (z) The "Height of a sign" is calculated by measuring the vertical distance between the uppermost and lowest parts of the structure.
- (aa) "Heritage Impact Assessment" (HIA) means a visual assessment of the impact that any proposed sign may have on the cultural heritage, whether built or recognised, at the locality where the proposed sign will be displayed.
- (bb) "internally Illuminated Sign" means an advertisement or structure used to display an advertisement which has been installed with electrical or other power and an artificial light source which is fully or partially enclosed within the structure or sign and which light is intended to illuminate the advertisement or a portion thereof:
- (cc) "Law" *means* any law, proclamation, ordinance, Act of Parliament or Provincial Legislature, or any other enactment having the force of law.
- (dd) 'locality Bound Advertising" means any sign displayed on a specific erf premises or building and may include (that subject to a prescribed encroachment fee) such a sign on municipal owned land, adjacent to, abutting on or within 5 metres of the aforementioned erf; premises or building which sign refers to an activity product service or attraction; located, rendered or provided on or from that erf for those premises.
- (ee) 'loose portable sign" means a freestanding locality bound notice or advertising board placed or erected in the Road Reserve or in a public open space.
- (ff) "Movable sign" means a sign not permanently fixed and not intended to remain fixed in one position, but does not include any moving part on a fixed permanent sign.

- 
- (gg) "Municipality" means the Municipality of the Fetakgomo Local Municipality and includes any executive councillor, or Committee or Sub-Council established by the Municipality, or any employee thereof; or duly authorised agent thereof acting in connection with this By-law by virtue of a power vested in the Municipality and delegated to such employee or agent.
- (hh) "New sign" means any sign displayed after the promulgation of this By-law;
- (ii) "Non-profit body" is a body established primarily to promote a community goal or benefit without direct or personal financial gain and may include educational, sporting, medical, municipal departments; bodies as well as charities or community organisations. The Municipality may call for documentary proof, (which may include the production of bank statements) of the non profit status or community benefit objective of the body.
- (2) "Organ of state" means:
- (a) any department of state or administration in the national, provincial or local sphere of government;
- (b) any other functionary or institution:
- (i) exercising a power or performing a function in terms of the Constitution or a provincial constitution; or
- (ii) exercising a public power or performing a public function in terms of any other Legislation.
- (c) "Overall height", in relation to a sign, means the vertical distance between the uppermost edge of the sign and the finished level of the ground, footway or roadway immediately below the centre point of the sign.

## CHAPTER I : APPLICATION AND INTERPRETATION OF BY-LAWS

52

---

- (d) "Perimeter of an Intersection" means the perimeter of the area embraced within the prolongation of the road reserve lines of two or more public roads that join one another at any angle, whether or not one such public road crosses the other.
- (e) "Person" includes:
  - (i) any organ of state
  - (ii) any company incorporated or registered as such under any law
  - (iii) any body of persons, whether incorporated or not, functioning as a single entity for whatever purpose.
- (f) "Poster" means a temporary sign capable of being attached to the Municipal electrical light standards or pasted to fixed structures to advertise events or campaigns, including elections or referenda of limited duration and excluding signs advertising markets, exhibitions or events which are held on a regular basis of more than two days per month.
- (g) "Projected sign" means any sign projected by a laser projector, video projector, or other apparatus.
- (h) "Projecting sign" means a sign which is affixed to a wall of a building and which at some point projects more than 250 mm in front of the surface of such wall.
- (i) "Public facade" means any facade that has windows or other architectural articulation.

- 
- 0) "Public place" means any public road, public street, thoroughfare, bridge, subway, footway, foot pavement, footpath, sidewalk, (or similar pedestrian portion of a Road Reserve), lane, square, open space, garden, park or enclosed place vested in the Municipality, or other state authority or indicated as such on the Surveyor-General's records, or utilised by the public or zoned as such in terms of the applicable zoning scheme.
- (k) "Public road" means a public road as defined in the National Road Traffic Act 93 of 1996.
- (l) "Road Authority" means the road authority as defined in Section 2 of the Roads Ordinance (Ordinance 19 of 1976).
- (m) "Road Reserve" means the area contained within the statutory width of a road, and includes roadways, shoulders and sidewalks and the airspace above such roadways, shoulders and sidewalks and all other areas within the road reserve boundary.
- (n) "Roadway" means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic as defined in the National Road Traffic Act No 93 of 1996.
- (o) "Roof sign" means a sign affixed to a roof of a building where the top edge of any point of that sign does not exceed the height of the roof plane to which it is affixed.
- (p) "Scenic Drive" means a road designated as such on an approved zoning scheme or from which landscapes or features of aesthetic or cultural significance can be seen or viewed as designated by the Municipality from time to time.

## CHAPTER 1'. APPLICATION AND INTERPRETATION OF BY-LAWS

52

---

- (q) "Security sign" means an outdoor sign for a neighbourhood watch and similar schemes, and a sign containing the name, logo, address and telephone number of a security company contracted to protect, or security system installed to protect, the premises on which the sign is displayed.
- (r) "Service station facility sign" means freestanding signs at petrol filling stations, roadside rest and service areas and includes service station pylon signs.
- (s) "Shop" *means* a building used for retail trade or services.
- (t) "Sign" means any object, product, replica, advertising structure, mural, device or board which is used to publicly display a sign or which is in itself a sign; and includes a poster and a billboard.
- (u) "Signalised traffic intersection" means an intersection controlled by traffic signals.
- (v) "Sky sign" *means* a sign where the top edge of any point of that sign exceeds the height of the roof plane to which it is affixed.
- (w) "Sponsored sign" means a sign, the primary purpose of which is not to advertise goods or services but which displays a graphic or content which promotes community or public awareness of a recognised public or community goal.
- (x) "Street name signs" means pole-mounted, double-sided, internally illuminated or unilluminated signs displayed in combination with names of streets, 'not exceeding 1m<sup>2</sup>.

- 
- (y) **"Street furniture"** means public facilities and structures which are not intended primarily for advertising and includes but is not limited to seating benches, planters, bins, pole mounted bins, bus shelters, sidewalk clocks, drinking fountains, Telkom boxes, traffic signal controllers, Municipality electric boxes, post boxes and telephone booths, but excludes road traffic signs, traffic signals, street lights or any other road-related structures.
- (z) **"Sub-council"** means a metropolitan sub-council referred to in Section 62 of the Local Government: Municipal Structures Act No 117 of 1998.
- (aa) **"Temporary signs"** means signs which are displayed for a maximum period of 14 days, or such other period as may be approved by the Municipality.
- (bb) **"Thickness"** in relation to a projecting sign, means the width of such sign measured parallel to the plane of the main wall to which such sign is affixed.
- (ee) **"Third-party advertising"** means the advertising of goods or services that are not made, procured, sold or delivered from the property on which the sign or sign advertising of those goods or services is fixed or placed, and includes advertising which is not locality bound as well as the display of a sign which is made, procured or sold from the property but advertises goods or services which are not made, procured, sold or delivered from that property.
- (dd) **"Three dimensional sign"** means a sign containing more than 2 dimensions, including product replicas.
- (ee) **"Traffic Impact Assessment"** (TIAI) means a study carried out by a registered Professional Engineer with demonstrable experience in the field of traffic engineering that investigates the impact a proposed sign may have on vehicle/pedestrian/cyclist safety and traffic operation. The study should recommend any mitigating measures that may be required as a result of that impact.



## CHAPTER 1 : APPLICATION AND INTERPRETATION OF BY-LAWS

s3

---

- (ff) 'Traffic Sign" means a road traffic sign as prescribed in the National Road Traffic Act No. 93 of 1996, '*Traffic Signal*" means a road traffic signal as prescribed in the National Road Traffic Act No, 93 of 1996,
- (gg) 'Transit advertising" means advertising by means of a movable sign which is capable of being transported by road either on or in conjunction with a 'motorised vehicle, including trailers primarily used for advertising,
- (hh) "Transportation Terminals" means any area designated by the Municipality as such, where the formal interchange of modes of public transport takes place by the public, including, but not limited to designated railway stations, official taxi terminals and bus terminals,
- (ii) "Urban edge line" means a predetermined point to point boundary line as determined by the Municipality from time to time, which has as its purpose, the containment of urban development.
- (jj) 'Verandah" includes a cantilevered canopy and sunblind.
- (kk) 'Window signs" means signs which are temporarily or permanently painted on, or attached to the window-glass of a building,
- (ll) 'Zone" means a land use zone as set out in the relevant zoning schemes or Town Planning Regulations as amended from time to time and applicable to any erf on which a sign is displayed or intended to be displayed and "*zoning*" has a corresponding meaning,

### 3. Submission of Applications

- (1) No person may display any advertisement or erect or use any sign or advertising structure for advertising purposes without the Municipality's approval in terms of this By-law and any other applicable legislation other than those signs referred to in Sections 55 to 62 below,

- 
- (2) Any person intending to display a new sign or to alter or to add to an existing approved sign; or submitting a signage plan in terms of a Site Development Plan proposal, may apply in writing to the Municipality which application must be accompanied by the following information in duplicate -
- (a) A site plan showing the site on which it is proposed that the sign is to be erected or displayed, drawn to a scale of not less than 1 :200 showing clearly and accurately the position of the sign and the building, if any, to which it is to be attached and showing every building and the existing signs on the site, existing and proposed landscaping, traffic signals and road traffic signs, and the positions, with dimensions, of the sign or sign in relation to the boundaries of the site and the location of the streets abutting the site, together with its existing approved zoning conditions.
  - (b) A drawing, which complies with the requirements of the National Building and Regulations Standards Act 103 of 1977 and is in sufficient detail to enable the Municipality to consider the appearance of the sign and all relevant construction detail, including a description of the materials of which the sign is to be constructed, the colours to be used, and whether or not the sign is to be illuminated; and in the latter event, the plan must indicate whether or not the sign is an electronic sign and, if so, full details must be furnished.
  - (c) The drawing referred to in subsection 2(b) above must have detailed drawings of such sign to a scale of not less than 1:20 and a site plan indicating the position of the sign on the site to a scale of not less than 1:50.
  - (d) If the proposed graphics of the sign are to be altered or changed at any stage during its proposed period of display, such intention must be specified in the application, together with an undertaking that every proposed change of graphic will be delivered to the Municipality for its prior approval, two weeks prior to the proposed display thereof, failing which only the proposed graphics will be considered for approval.

## CHAPTER 1: APPLICATION AND INTERPRETATION OF BY-LAWS

s3

---

- (e) If a sign is to be attached to or displayed on the wall or facade of a building, the Municipality 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 Municipality 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 such on such graphic and drawn as nearly as is practicable to the same scale as that of the graphic.
  - (f) If the applicant is not the registered owner of the property on which the sign will be erected, the applicant must obtain the signature of the registered owner of the land or building on which the sign is erected, indicating that person's knowledge of and consent to the application.
  - (g) Upon the request of the Municipality the applicant must submit such additional drawings, calculations and other information as are necessary to enable the Municipality to establish the adequacy of the proposed means of securing, fixing or supporting any proposed sign or billboard and its ability to resist all loads and forces to which the sign, advertising or billboard may be exposed and the sufficiency of the margin of safety against failure.
- (3) The Municipality may require the submission of an Environmental Impact Assessment (either the 1st stage thereof; being the completion of an Environmental Checklist or in its entirety), Heritage Impact Assessment or a Traffic Impact Assessment.
- (4) If in the Municipality's opinion, a community or portion thereof or a person will be affected by the proposed sign, it may require a public participation process prior to considering the approval, which public participation process must comply with the Municipality's policy on public participation.

- 
- (5) The Municipality will require a signage master plan in respect of any development where the erection of numerous signs is proposed or the rationalisation of previously approved signs is required so as to allow it to consider a consistent design master plan prior to assessment of any individual sign.
  - (6) The Municipality must notify the applicant of any additional requirements it has, within 21 working days of the date of submission of the original application and payment of the application fee.
  - (7) The Municipality shall be entitled to retain a copy of every document supplied to it as part of an application, but is not obliged to do so.
  - (8) The Municipality may require written notification, by the applicant or person who erects an approved sign that such sign has been erected.

**4. Charges and general factors in considering approval or amendments/conditions to approval**

- (1) Any person who applies to the Municipality for approval in terms of this By-law must, on making application, pay to the Municipality an application fee. In addition, on approval of an application, an approval fee may be paid. No sign may be erected until such time as both the application and approval fees have been paid in full.
- (2) In considering an application for the display of an advertisement or the erection of a sign in terms of this By-law, or an amendment or condition attaching or to be attached to an approval, the Municipality must have regard to the following factors -
  - (a) The area of control in which the proposed sign is to be erected or displayed as set out in Schedule I, provided further that if a sign falls into more than one possible area of control or if a proposed sign site located in one area of control may impact on an adjacent area of control, the Municipality will be entitled to determine the area of control pertaining to that application.

## CHAPTER I : APPLICATION AND INTERPRETATION OF BY-LAWS

s4

---

- (b) The type of locality or landscape and the advertising opportunities pertaining to that area of control.
- (c) The number of signs already displayed or proposed to be displayed on the erf and in the area surrounding the erf concerned.
- (d) The findings of any Traffic Impact Assessment, Environmental or Heritage Impact Assessment more specifically any such finding as to whether the proposed sign will be detrimental to the environment or adversely affect the amenity of the locality or neighbourhood or affected properties;
- (e) Locality bound signs must relate to the lawful use of a property provided that no such sign shall be affixed to or placed on residential premises or portions thereof other than is permitted by or for home industries and legal temporary uses.
- ~~(f) The outcome of any process of public participation regarding the proposed sign.~~
- (g) The provisions of Sections 15 to 18 inclusive, of this By-law.
- (h) That no sign or advertisement may be designed or displayed that:
  - (i) will constitute a danger to any person or property;
  - (ii) will display any material or graphic which, whether in form, content or both, may reasonably be expected to cause offence to the public or an identifiable class of persons;
  - (iii) will be detrimental to the environment or amenity of the neighbourhood by reason of either its size, intensity, frequency, illumination, quality of design, material, proposed graphic, locality or for any other reason;
  - (iv) will obscure any other signs approved in terms of this By-law or its predecessor;

- 
- (v) will be detrimental or otherwise negatively impact on the environment, whether artificial or natural.
  - (i) In considering a proposal for new graphics in respect of a sign approved in terms of this By-law, the Municipality will have regard to the factors referred to in Sections 3(1)(d) to 3(1)(h) inclusive.
  - (j) The Municipality will only consider an application for the extension of an approval period (in terms of Section 11(4)) on condition that the said sign complies with the provisions of this By-law as at the date of application for such an extension.
  - (k) The Municipality will have regard to the factors referred to in Section 3 in assessing an application for an extension of the approval period in terms of Section 11(4). In the event of the approval period being extended by the Municipality, the extension period shall not exceed a further 5 year period.
  - (l) Any application for an extension of an approval period in terms of Section 11(4) must be accompanied by the fees referred to in Section 3(1) being both an application and an approved fee.
5. Factors relating to specific signs, areas of control and commercial sponsored signs
- (1) The Municipality may, in addition to the factors set out in section (3), apply certain minimum standards to certain specific sign types and proposed localities when an application for approval is made in respect thereof and may apply certain specific criteria to applications for the erection of signs by non-profit bodies. These specific standards and criteria are set out as Schedules to this By-law. Schedule 1 to this By-law indicates the areas of control in which certain specific sign types may be permitted, subject always to approval in terms of this By-law and furthermore subject to any additional requirement pertaining to a specific sign type as set out in the following Schedules:

## CHAPTER 1 : APPLICATION AND INTERPRETATION OF BY-LAWS

85

---

## (2) Schedule

- (a) Schedule 1 - Areas of Control
- (b) Schedule 2 - Billboards
- (c) Schedule 3 - Locality Bound Freestanding and Composite Signs
- (d) Schedule 4 - Signs attached to walls of buildings - (Flat & Projecting Signs)
- (e) Schedule 5 - Sky signs
- (f) Schedule 6 - Roof signs
- (g) Schedule 7 - Signs on a verandah, balcony, canopy, supporting columns, pillars and posts
- (h) Schedule 8 - Signs on boundary walls, fences and construction sites
- (i) Schedule 9 - Newspaper Headline posters
- (j) Schedule 10 - Banners, flags and balloons
- (k) Schedule 11 - Posters
- (l) Schedule 12 - Estate Agent signs
- (m) Schedule 13 - Loose portable signs
- (n) Schedule 14 - Aerial signs
- (o) Schedule 15 - Transit Advertising
- (p) Schedule 16 - Signs on Municipal Land/Buildings
- (q) Schedule 17 - Signs by/for Non-Profit Bodies

- (3) The Municipality may grant an exemption from the terms of this By-law having regard to:

## CHAPTER II : STANDARD CONDITIONS FOR APPROVAL

s6

- 
- (a) the area of control where it is proposed to display the sign/s;
  - (b) nature of the event;
  - (c) duration of the erection/display of the sign;
  - (d) size of the proposed sign;
  - (e) any traffic, safety, environmental or heritage impact assessment;
  - (f) the outcome of any public participation process;
  - (g) the need to promote small business and business owned by Historically disadvantaged Individuals; and
  - (h) any other factor that the municipality may consider appropriate.

**CHAPTER II****STANDARD CONDITIONS FOR APPROVAL****6. Structural requirements**

- (1) All signs must be properly constructed and be of the requisite strength and must be secure and comply with the requirements pertaining the National Building Regulations and Standards Act 103 of 1977 as amended from time to time.
- (2) The Applicant to whom approval has been granted and the owner of the property or building to which the sign is attached shall be jointly and severally liable for the maintenance of the sign must and undertake at least one inspection per year of the sign with a view to satisfying themselves of the safety of the sign.



## CHAPTER II : STANDARD CONDITIONS FOR APPROVAL

s7

---

- (3) Where any sign becomes torn or damaged or otherwise falls into a state of disrepair, the applicant to whom the approval has been granted and the owner of the fixture or property to which a sign is attached must within 7 working days of a notice to do so, repair it.
- (4) All signs and their support structures must be constructed of incombustible, durable materials suited to the function, nature and permanence of the sign.
- (5) All glass used in a sign, other than glass used in illumination, must be safety glass of at least 3 mm thickness.
- (6) Glass panels used in a sign must not exceed 0,9 m<sup>2</sup> in area, each panel being securely fixed in the body of the sign, structure or device independently of all other panels.
- (7) Every sign and its support structure must be kept in a state of good repair.
- (8) No sign may be placed in such a manner as to cover any window or opening provided for ventilation of a building or obstruct any stairway or doorway or other means of exit from the building or prevent movement of people from one part of a roof to another.
- (9) No advertising structure shall be closer to overhead electrical equipment than the minimum distance as prescribed by the Council from time to time.

**7. Electrical requirements**

- (1) All signs needing an electrical connection must preferably be supplied from the existing electrical supply on the erf where they are to be erected. If this is not possible, application for a metered electricity Municipality supply must be made to the relevant authority.
- (2) Every sign in connection with which Municipal electricity is used, must be provided with suitable capacitors to prevent interference with radio and television reception.

- 
- (3) Each power cable and conduit containing electrical conductors in respect of a sign must be so positioned and fixed so that it is safe, unseen, inaccessible, and child tamper proof and animal proof.
  - (4) Each interior high-voltage installation that runs unattended (such as a window display) and each exterior high-voltage installation shall have an acceptable type of fireman's switch in accordance with the requirements as stipulated in Sections 6.7.2 and 7.5 of SABS 0142 1993 promulgated in terms of The Occupational Health and Safety Act.

#### 8. **Illumination requirements**

- (1) The Municipality may approve an illuminated sign, provided that the provisions of this By-law are complied with and that such illumination does not constitute a road safety hazard or cause undue light spillage.
- (2) Signs may not be illuminated if no sign content is displayed.
- (3) The requirements for internal illumination or electronic signs are as follows -
  - (a) Internally illuminated and electronic signs containing third party advertising may only be displayed in areas of partial and minimum control and must be less than 2,1 m<sup>2</sup>. This size condition may be waived, up to a maximum size of 4,5 m<sup>2</sup> in any such area upon receipt of an Environmental and Heritage Impact Assessment showing that no detrimental impact will be caused by the proposed display. or to any larger size specified by the Municipality in an area designated by the Municipality as a district in which illuminated or electronic signs are to be encouraged.
  - (b) Electronic signs may not have subliminal flashes.

## CHAPTER II : STANDARD CONDITIONS FOR APPROVAL

s9

---

- (c) Prior to erection, the Municipality may require a Traffic Impact Assessment to be conducted, the results of which must indicate that no detrimental impact on traffic is envisaged. In addition the Municipality may require subsequent traffic monitoring of any internally illuminated or electronic sign.
- (4) The requirements for external illumination are as follows:
  - (a) The light source emanating from floodlights must not be visible to traffic travelling in either direction.
  - (b) Floodlights must not be positioned so as to create any undue light spillage beyond the surface area of the sign.
  - (c) Approved way leaves must be obtained from the electricity department of the Municipality prior to any excavations for the installation of signs. This also applies to signs to be erected in the vicinity of overhead power lines.

**9. Road traffic safety requirements**

- (1) Signs may not be erected in an area where the Roads Authority is of the opinion that they are an unacceptable distraction for drivers or where drivers turn, negotiate curves or traffic merges, diverges or weaves.
- (2) Electronic signs shall not be permitted if they are visible from a class I road, gateway route or a scenic drive unless expressly approved in writing by the road authority.
- (3) Advertising on bridges, towers, telecommunication masts or pylons shall not be permitted.
- (4) Signs must not be located within 50m of the perimeter of an intersection of a designated road unless expressly approved in writing by the road authority.
- (5) The graphic content of signs must not have the potential to be visually interpreted as a road traffic sign, due to any factor, including but not limited to the following -

## CHAPTER II: STANDARD CONDITIONS FOR APPROVAL

s9

- 
- (a) any stylised or pictorial presentation of a road traffic sign or traffic signal;
  - (b) any word, symbol, logo or other device used on a road traffic sign;
  - (c) use of combinations of colours specified for road traffic signs, in a manner likely to lead to confusion;
  - (d) any reflectorised paint or material.
- (6) Signs may not be erected in an area where the traffic volume, the average following headway or accident history requires a higher than average degree of awareness from drivers.
  - (7) Signs may not be attached to or obscure a road traffic sign or traffic signal specifically provided for in the South African Road Traffic Signs Manual or the South African Development Community Road Traffic Signs Manual.
  - (8) Signs may not be erected within the road reserve of any public road unless expressly approved by the road authority.
  - (9) When located at signalised traffic intersections, signs may not have the colours red or yellow or green as main colours and shall not obscure or interfere with any road traffic sign or traffic signal.
  - (10) Electronic signs may not be permitted within 80 metres of the perimeter of a signalised traffic intersection.
  - (11) Flashing or running messages or variable transition messages that have a message change interval of greater than 0,3 seconds or have transition effects between message changes may not be permitted if viewable from a public road.
  - (12) Static display, simple transition signs must display a complete frame for an information cycle length of not less than 60 seconds when visible from a signalised traffic intersection and 30 seconds at other locations.

## CHAPTER II : STANDARD CONDITIONS FOR APPROVAL

810-s0

- (13) All third-party signs larger than 4,5 m<sup>2</sup> erected adjacent to a public road or in a railway reserve intended to advertise to persons using designated metropolitan roads must be spaced a minimum specified distance from any other sign or road traffic sign, such distance measured parallel to the centre line of the roadway, in accordance with Table I below.

10. Table 1; linear spacing between signs

Case	Spacing required when visible to traffic on a road with a speed of:		
	≤60 km/h	61-80 km/h	81 -120 km/h
Where an advertising sign follows a road sign	380 m	425m	475m
Where an advertising sign follows another advertising sign	310m	<sup>1</sup> 360m	410 m
Where an advertising sign precedes a road sign	40m	70 m	100m

- (1) The abovementioned minimum distances specified in Table I may be decreased by the Municipality if the sign falls within an area of minimum control, or in other areas of control on submission of a TIA motivating a reduction of this spacing to the satisfaction of the Municipality. The Municipality may from time to time prepare a list or map of designated areas in which the abovementioned spacing requirements are not be applicable.

---

## 11. Legal requirements

- (1) All signs to be erected or displayed within the area of jurisdiction of the Municipality must, in addition to complying with this By-law, comply with all other applicable legislation, including any applicable Zoning Scheme Regulations or condition of approval of any departure from the applicable Zoning Scheme Regulations,

## 12. Approval

- (1) The Municipality may refuse any application or grant its approval subject to conditions relating to the erection or use of the sign and including a condition that the owner of any sign or billboard or the land or building on which it is erected or displayed, or both such owners or the person whose product or services are advertised, indemnify the Municipality against any consequences flowing from the erection, display or mere presence of such sign.
- (2) The Municipality may, at any time, withdraw an approval granted in terms of this By-law or its predecessor or amend any condition or impose a further condition in respect of such approval, if a sign or advertising structure-
  - (a) is in a state of disrepair;
  - (b) stands empty for more than 90 consecutive days;
  - (c) no longer complies with any provision of this By-law; or
  - (d) is substantially altered from the original approved application by way of either structure or graphic content.
- (3) Should an approved sign not be erected within 12 months from the date of approval or within such other time as is specified in the approval, such approval shall lapse, unless that period is extended in writing by the Municipality prior to such lapse.

## CHAPTER II : STANDARD CONDITIONS FOR APPROVAL

s13

---

- (4) Any approval of third party advertising granted by the Municipality in terms of this By-law, will endure for a maximum period of 5 years, calculated from the date of approval, unless extended in writing prior to the expiry of the approval period. The Municipality must receive a written application for extension of the approval period at least six calendar months prior to the lapse of the approval period.
- (5) In the event that the structure supporting such sign is intentionally demolished before the expiry of the approval period, the approval will lapse and no further sign or supporting structure may be erected or re-erected without the Municipality's prior approval in terms of this By-law.
- (6) All decisions by the Municipality regarding applications made in terms of this By-law shall be in writing and will be provided to Applicants within 90 calendar days of date of submission of a complete application, alternatively, if so required by the Municipality, within 90 calendar days of its receipt of any additional information or assessments provided to the Municipality.

**13. Appeal**

- (1) Any persons whose rights are affected by a decision made in connection with this By-law by the Municipality may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.
- (2) The Municipal Manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).
- (3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (4) The appropriate appeal authority will be as determined by the Municipal System's Act No. 32 of 2000, as amended from time to time.

- 
- (5) An appeal authority must commence, considering the appeal within six weeks after receipt of the appeal and decide the appeal within a reasonable period.

**14. Subject to compliance with the conditions pertaining thereto or set out hereunder, the municipality's approval is not required for the following signs:**

- (1) Should any sign not comply with the conditions relative to each sign type listed below, an application in terms of B shall be required.
- (2) Subject to compliance with the conditions relative to each sign type listed herein below, and any other applicable legislation, or condition imposed by the Municipality, no application for approval is required in terms of this By-law in respect of -
- (3) Development Boards
- (a) Development boards shall be removed forthwith when the building operations are complete or forthwith if the building operations are discontinued, or when the provisions of the services, the doing of the work, or the supply of the goods to which the sign relates has ceased;
- (b) The Municipality may order the removal of any such sign if the building operations have been substantially completed or discontinued or an Occupancy Certificate has been issued by the Municipality, or the provision of the services, the doing of the work or the supply of the goods to which it relates, has for all practical purposes ceased, and such signs must thereupon be forthwith removed but not later than 5 days after the date of the order for the removal thereof;
- (c) If the premises on which building operations are in progress, are to be used wholly for residential purposes, only one development board must be displayed and such development board shall not exceed 3 m<sup>2</sup> in total area;



## CHAPTER II : STANDARD CONDITIONS FOR APPROVAL

siS-sO

---

- (d) If the premises are not to be used wholly for residential purposes, no more than two development boards must be displayed and the aggregate area of both development boards must not exceed 5 m<sup>2</sup> in total area;
- (e) If the signage, whether on freestanding boards, or flexible building covering material, include any other form of Third Party advertising, such sign must then comply with the provisions of Schedule 8 of these By-laws and Municipal approval for the display of the sign must first be obtained in terms of this By-law.

(4) To LeUFor Sale Signs:

These include any sign not exceeding 400 mm x 500 mm in total area displayed at existing premises or at properties upon which a new building is being erected and relating to accommodation being offered to rent or purchase in the building, on condition that any such sign must be removed within 60 days after the date upon which the accommodation to which it relates is capable of occupation;

## 15. On Premises Business Signs

- (1) These include any unilluminated sign not projecting over a public road and not exceeding 0,2 m<sup>2</sup> in total area notifying only the types of trade, business, industry or profession lawfully conducted by any occupant or permanent resident of the premises to which it is attached, the name of such occupant, the type of activity, the address and telephone number of such premises and the hours of attendance (if any); provided that only one such sign per occupant may be displayed.

---

## 16. Window Signs

- (1) These include any locality bound signs which are temporarily or permanently painted on or attached to the window glass of a building used for commercial, office, industrial or entertainment purposes, or any other temporary or permanent sign which is displayed within 2 m of any window or external opening through which it can be seen from the outside such a building, on condition that no window sign must exceed 4,5 m<sup>2</sup> in an area of maximum control.

## 17. Signs incorporated in the face of a building

- (1) Any sign forming an integral part of the fabric of a building (but excluding a painted sign or a sign affixed in any manner onto the building), on condition that no such sign shall exceed 0,2 m<sup>2</sup> in total area.

## 18. 60. Signs on Sports Fields

- (1) Except when visible from scenic drives, any sign erected around the perimeter of a sports field, to a maximum size of 2 x 1 m each, provided further that larger signs which face inwards onto the field and are not visible from any other public place, shall also be permitted.

## 19. Security Signs

- (1) Any security sign not projecting over a public road and not exceeding 0,2 m<sup>2</sup> in total area indicating either that a security watch scheme is in operation or that a security company has been contracted to protect the premises on which the sign is displayed, on condition that -
  - (a) only one such sign is displayed on any public road or each street frontage of such premises and;

## CHAPTER II : STANDARD CONDITIONS FOR APPROVAL

s0

---

- (b) the said sign displays only the name, logo, address and telephone number of a security company contracted to protect the premises on which the sign is displayed.
- (2) Sponsored. Commercially sponsored and non-profit body Signs: less than 4,5 m<sup>2</sup>.
  - (a) Any such sign whether erected by or in connection with a non profit body or not; not exceeding 4,5 m<sup>2</sup> in total area on condition that no more than 5% of the total surface area of the sign is used for third party advertising; and the sign is not illuminated, and furthermore provided that only one such sign shall be permitted per erf.
  - (b) Signs which comply with provisions of subsection 2(a). must, when erected on municipal land, only be erected once agreement has been concluded with the Municipality, wherein the extent of the community or public benefit as jointly agreed between the municipal department responsible for the premises or land has been agreed and the terms of the erection of the sign agreed, and a copy of the agreement lodged with the environmental management branch or its successor in title, of the Municipality.
  - (c) All other sponsored signs are dealt with in Schedules 16 and 17.
- (3) Advertising on Flags
  - (a) Advertising flags must only be displayed on flag poles. provided that no more than 3 flag poles of 3 m each in total height, shall be permitted on anyone property on which they are displayed.
- (4) Advertising on Vehicles
  - (a) Signs painted or affixed directly onto the body of a motorised vehicle.

## 20. Disfigurement

- (1) No person may destroy, harm, damage or disfigure or deface the front or frontage of any street, road traffic sign, wall, fence, land, rock, tree or other natural feature, or the front or frontage or roof of any building or structure in any manner whatsoever during construction or through the display or use of a sign or the writing or painting of any sign, symbol, letters or numerals. Furthermore, no person may disfigure any sign legally displayed in terms of this By-law.

## 21. Damage to municipal property

- (1) No person may, in the course of erecting or removing any sign, or banner, cause damage to any tree, electric standard or service or other municipal installation or property and street furniture.

## 22. Entry and inspections

- (1) The Municipality shall be entitled, through its duly authorised officers, and following prior written notification to the owner or occupant of a property, to enter into and upon any premises, at a reasonable time for the purpose of carrying out any inspection necessary for the proper administration and enforcement of the provisions of this By-law.

## 23. Offences

- (1) Any person who:
  - (a) contravenes or fails to comply with any provision of this By-law;
  - (b) contravenes or fails to comply with any requirement set out in a notice served on him in terms of this By-law;

## CHAPTER II : STANDARD CONDITIONS FOR APPROVAL

s23

---

- (c) contravenes or fails to comply with any condition imposed in terms of this By-law;
- (d) knowingly makes a false statement in respect of any application in terms of this By-law,

shall be guilty of an offence and on conviction shall be liable to a fine or imprisonment as set out below; and:

- (2) In the case of a continuing offence, to a fine, as set out below, for every day during the continuation of such offence after a written notice has been issued by the Municipality requiring discontinuance of such offence; and
- (3) For a second or subsequent offence, liable on conviction to a fine or imprisonment as set out herein below.
- (4) The fines and penalties applicable to offences in terms of this By-law are-
  - (a) upon conviction on a first offence, the guilty party may be liable to a fine not exceeding R10 000,00 as adjusted in terms of the Adjustment of Fines Act No. 101 of 1991 from time to time, or, in default of payment, to imprisonment for a period not exceeding two months;
  - (b) in the case of a continuing offence, the guilty party may be liable to a further fine not exceeding R500,00 as adjusted in terms of the Adjustment of Fines Act No. 101 of 1991 from time to time, for every day during the continuance of such offence;
  - (c) upon conviction on a second or subsequent offence, the guilty party shall be liable to a fine not exceeding R50 000,00 as adjusted in terms of the Adjustment of Fines Act No. 101 of 1991 from time to time or in default of payment, to imprisonment for a period not exceeding 6 months.

- 
- (5) Notwithstanding the provisions of subsections (1) to (5), in respect of the unauthorised display of posters or estate agents' boards, the applicable fines shall be as set out in Schedules 9 and 10.
- (6) Unlawful signs removed by the Municipality may be reclaimed from the Municipality on payment in full of any costs incurred by the Municipality in the removal of the said sign, as well as payment of the costs of any charges incurred in the storage of such sign within two months. Any unlawful signs removed by the Municipality and not reclaimed within two months of the date of removal may be disposed of by the Municipality in its sole discretion to defray its removal or storage costs.

#### 24. **Presumptions**

- (1) Any person charged with an offence in terms of this By-law who is:
- (a) alone or jointly with any other person responsible for organising, or in control of any meeting, function or event, to which a sign or poster relates, shall be deemed, until the contrary is proved, to have knowingly displayed every unlawful sign or poster displayed in connection with such meeting, function or event or to have caused or allowed it to be so displayed;
  - (b) the person whose name appears on an unlawful sign or whose product or services are advertised on such sign, shall be deemed, until the contrary is proved, to have displayed such sign, or to have caused or allowed it to be displayed unless the contrary is proved;
  - (c) the owner of any land or building on which any unlawful sign was or is displayed, shall be deemed, until the contrary is proved, to have knowingly displayed such sign, or caused or allowed it to be displayed.

## CHAPTER II : STANDARD CONDITIONS FOR APPROVAL

s25

---

**25. Enforcement and removal of signs**

- (1) If any sign displayed is in contravention of this By-law, the Municipality may serve a notice on the owner or lessee of the sign, or the land owner on whose land the sign is erected or displayed, or person whose product or services are advertised, calling upon such person to remove such sign or carry out such alteration thereto or do such work as may be specified in such request or notice, within a time frame specified therein. Notwithstanding the service of such notice, it may be withdrawn or varied by the Municipality, by agreement with the person so served, or failing such agreement, by the service of a further notice.
- (2) Should the Municipality's demands, as set out in the notice, not be carried out within the time period specified therein, the Municipality may, without further notice to the person upon whom the notice was served and after obtaining relief from the appropriate court on an *ex parte* basis, remove or alter the sign or do such work as may be specified in such notice, provided that no court order shall be required, if the unlawful sign is erected or displayed on property belonging to the Municipality, prior to removal or alteration thereof.
- (3) In the event of the Municipality removing or altering a sign, the Municipality will be required to compensate any person for any unreasonable loss or damage occasioned by or in respect of such removal or alteration.
- (4) Any costs incurred by the Municipality in removing signs, or in doing alterations or other works required in terms of a Notice, may be recovered from the person on whom the notice was served.

- 
- (5) Notwithstanding any other clause in this By-law, if a sign is, or is reasonably considered to be a danger to life or property, by a duly authorised employee of the Municipality, acting in connection with this By-law, the Municipality itself may, without prior notice and without a Court Order; carry out or arrange for the removal of such sign. Any costs incurred by the Municipality in carrying out or arranging for the removal of such sign may be recovered from jointly and severally the owner or lessee of the sign, or the landowner on whose land the sign was erected, or the person whose product or services were advertised.

26. Service of notices

- (1) Where any notice or other document is required by this By-law to be served on any person, it shall be deemed to have been properly served if served -
- (a) personally on him or her;
  - (b) any member of his or her household, apparently over the age of 16 years;
  - (c) at his place of residence;
  - (d) on any person employed by or with him at his place of business;
  - (e) if posted by registered post to such person's residential or her business address, as it appears in the records of the Municipality;
  - (f) if such person is a company or closed corporation or a trust;
    - (i) if served on any person apparently employed by that company, closed corporation or a trust, at the registered office thereof, or
    - (ii) sent by registered post to such office.



## CHAPTER II : STANDARD CONDITIONS FOR APPROVAL

s27-s29

## 27. Magistrate's court jurisdiction

- (1) Notwithstanding anything to the contrary contained in any law relating to Magistrates' Courts, a Magistrate shall have jurisdiction, on the application of the Municipality, to make an order for the enforcement of any of the provisions of this By-law or of any approval, refusal or condition granted or applicable in terms hereof.

## 28. Repeal of By-laws

- (1) The following By-laws are repealed:

Number and Year	Name of By-laws	Extent of Repeal

## 29. Savings

- (1) Any application for the display of any advertisement or erection of any advertising structure for advertising purposes, submitted to the Municipality prior to promulgation of this By-law and in respect of which a decision has not yet been made by the Municipality prior to promulgation of this By-law, must be considered by the Municipality in terms of this By-law.

## CHAPTER II : AREAS OF CONTROL

s29

**SCHEDULE 1****AREAS OF CONTROL**

<b>MAXIMUM</b>			<b>PARTIAL</b>	<b>MINIMUM</b>
<b>NATURAL AREA</b>	<b>RURAL AREA (outside Urban edge)</b>	<b>URBAN AREA</b>	<b>URBAN AREA (within Urban Edge)</b>	<b>URBAN AREA (within Urban Edge)</b>
Proclaimed nature reserves	Agricultural areas/zones	Urban conservation areas	Central business districts	Industrial zones
Protected natural environments	Horticultural areas	Graded buildings and places residential zones and adjacent road and rail reserves	Mixed use commercial and residential areas	Designated transportation terminals
Game reserves	Rural smallholdings	Mobility routes Pedestrian malls and pedestrian squares	Commercial ribbon development and actively corridors	Designated areas within undetermined zones
Proclaimed bird sanctuaries	Large private open spaces (e.g. golf courses)	School sites and institutional zones	Commercial and business districts and adjacent streets and rail reserves	Specific areas or sites designated as minimum control by way of a map prepared by the Municipality
	Scenic drives Scenic landscapes Scenic features	Scenic features Scenic drives Gateways	Entertainment districts or complexes with commercial zones	
	Municipal Parks		Sportsfields and stadia	
Oceans		Public open		

## CHAPTER 11 : AREAS OF CONTROL

s29

MAXIMUM				PARTIAL		MINIMUM	
NATURAL AREA	RURAL AREA (outside Urban edge)	URBAN AREA		URBAN AREA (within Urban Edge)		URBAN AREA (within Urban Edge)	
Forestry areas		Public spaces open Private spaces open					
River corridors	Agricultural and horticultural areas and adjacent road and rail reserves	Urban smallholdings					
1:100 Year flood plains		Intensive urban agriculture areas					
Wetlands	Specific areas or sites designated as maximum rural by way of a map prepared by the Municipality						
I Scenic Drives				Specific areas or sites designated as partial control by way of a map prepared by the Municipality			
Greening of city network		Core flora conservation sites as identified by the National Botanical Institute Special business zones					
Specific areas or sites designated as maximum natural by way of		Residential components of mixed use of					

## CHAPTER II : BILLBOARDS

829

MAXIMUM				PARTIAL		MINIMUM	
NATURAL AREA	RURAL (outside edge)	AREA Urban	URBAN AREA	URBAN (within Edge)	AREA Urban	URBAN (within Edge)	AREA Urban
a map prepared by the Municipality Scenic Drives			buildings  Specific areas or sites designated as maximum urban by way of a map prepared by the Municipality				

**SCHEDULE "2"****BILLBOARDS**

- (1) Subject to approval in terms of this By-law, the erection or display of Billboards, whether custom made or of standard design, is permitted only in areas of minimum control. In addition Billboards shall:
- (2) If the proposed erf where the billboard is to be erected borders on a designated road and furthermore if the buildings on that erf are more than 50 m from the road reserve line, the billboard may not be placed less than 50 m from the road reserve line this same distance to be calculated at 90° to the nearest point of the road reserve. This distance may be waived to a distance no less than the **alignment** of the public facades of building on the erf or adjacent erven, if such adjacent buildings or if the buildings on the erf are less than 50 m from the road reserve upon receipt of an Environmental Impact Assessment and Traffic Impact Assessment indicating no detrimental impact. If the proposed site of erection of a billboard has been designated as a gateway then no billboards will be permitted within such gateway.
- (3) Comply with the standard conditions for approval set out in this By-law.

## CHAPTER II : BILLBOARDS

829

- (4) Not encroach over the boundary line of the property on which it is erected, whether such encroachment is aerial or on ground level.
- (5) Have a minimum clear height of 2,4 m and a sign structure which does not exceed a maximum height of 7,5 m above natural ground level.
- (6) Not exceed a maximum total size of 36 m<sup>2</sup> provided that on any V-shaped single structure, two such panels may be permitted.
- (7) Be displayed between the angles of 90. and 60. to the direction of oncoming traffic.
- (8) Be spaced a minimum distance apart as required by the Road Traffic Safety Requirements sections of the By-law.
- (9) Only be externally illuminated.
- (10) If located at signalised traffic intersections: not be erected or displayed within 50 m of the perimeter of the intersection if unilluminated; and within 80 m of the perimeter of the intersection if illuminated.
- (11) Any billboard erected along the right hand side of a section of road, such that its graphics are visible to a driver travelling on the left hand side of the road, shall be deemed to have replaced the advertising opportunity that existed on the left hand side of the road.
- (12) Have a minimum letter or number height of 285 mm.
- (13) The information content of a proposed advertisement will be measured in "bits". In calculating the information content of a proposed advertisement the bit weights shown in the table below shall be used:

Elements of the advertisement		Bits per element
Words	Up to 4 letters	0,5
	5 to 8 letters	1,0

## CHAPTER II LOCALITY BOUND FREESTANDING AND COMPOSITE SIGNS

s29

	More than 8 letters	2,0
Numbers	Up to 4 digits	0,5
	5 to 8 digits	1,0
	More than 8 digits	2,0
Logos, symbols and graphics	Smaller than 9 sq metres	0,5
	Between 9 and 18sq metres	1,0
	Between 18 and 27sq metres	1,5
	Larger than 27 sq metres	2,0

- (14) The total bits in a proposed advertisement may not exceed 15.

**SCHEDULE "3"****LOCALITY BOUND FREESTANDING AND COMPOSITE SIGNS**

Subject to approval in terms of this By-law, the erection or display of Locality Bound Freestanding signs are permitted only in Urban areas of maximum, partial and minimum control. In addition:

- (1) Locality bound freestanding signs will only be permitted in the following instances:
- (a) Where business premises are set back 15m or more from the boundary of the road reserve; or
  - (b) Where it is not reasonably possible to affix appropriate signs to a building; or
  - (c) Where such a sign is necessary to allow the public to locate the entrance to business premises; or
  - (d) Where the existence of a freestanding composite sign may prevent the proliferation of signs.

## CHAPTER II: LOCALITY BOUND FREESTANDING AND COMPOSITE SIGNS

529

---

- (2) Locality Bound freestanding composite signs may not exceed 7,5 m in height and in addition may not exceed 4,5 m<sup>2</sup> in total area. This provision may be waived to a maximum height of 10 m and a maximum total area of 15 m<sup>2</sup> per side, having regard to the following factors:
- (a) If such increase reduces the number of individual signs facing any street boundary of the site, thereby minimising the visual impact on the surrounding environment;
  - (b) If more than 2 significant roads approach the site in question;
  - (c) The number of businesses which will be advertising on such sign;
  - (d) The number of approach/exit routes to the site in question;
  - (e) The applicable zoning of the area surrounding the site in question. A surrounding residential zone will not accommodate the same size of sign as will a surrounding commercial or industrial zone.
- (3) Service Station free standing signs must be locality-bound and may only be erected or displayed at service stations adjacent to and directly accessible from the public road at which such a sign is directed and only one Service Station free standing facility sign per street boundary shall be permitted.
- (4) Service station freestanding signs may not exceed 7,5 m in height and shall not consist of more than 8 advertising panels of 4,5 m<sup>2</sup> each in total area. The provisions of this section may be waived to a maximum height of 16 m and 8 advertising panels not exceeding 6 m<sup>2</sup> each in total area having regard to the factors mentioned in section 2 above.

---

## **SCHEDULE "4"**

### **SIGNS ATTACHED TO WALLS OF BUILDINGS: FLAT AND PROJECTING SIGNS**

Subject to approval in terms of this By-law, the erection or display of fiat and projecting signs are permitted in all areas of maximum, partial or minimum control. In addition, fiat and projecting signs must:

- (1) Not be allowed within 0,6 m of the edge of a roadway nor shall it extend to within 0,6 m of the edge of a roadway,
- (2) Not project in front of a wall more than 1,5 m in the case of a sign which has a clear height of more than 7,5 m or more than 1 m in the case of any lesser clear height.
- (3) Not project more than 250 mm over a footway unless such sign has more than 2,4 m clear height.
- (4) Not obstruct the view from any window or any other external opening of any building and no portion of any such sign may be affixed over or onto any window, door or any other openings.
- (5) Not exceed 54 m<sup>2</sup> in total area and may not exceed one-quarter of the overall area of the surface to which they are affixed or painted whichever is the lesser. This size restriction may be waived on condition that:
  - (a) An Environmental Impact Assessment is submitted to the Municipality indicating no detrimental environmental impact is envisaged; and
  - (b) If it is proposed to erect a fiat or projecting sign in a conservation area, a Heritage Impact Assessment is submitted indicating no detrimental impact in respect of Heritage resources is envisaged,
  - (c) The graphics which are proposed for the said sign will be fixed for the period of display of the sign.



## CHAPTER II : SKY SIGNS

s29

---

- (d) Such sign may only display graphics designed and created by a suitably qualified creative consultant.
- (6) Be considered for approval on blank common boundary facades of non-residential buildings.
- (7) If on public facades of any building, the sign must:
  - (a) Be so designed as to become an integral part of the building design;
  - (b) When third party, only be permitted if custom-made and subject to the requirements of 5(a) to 5(d) above.

**SCHEDULE "5"****SKY SIGNS**

Subject to approval in terms of this By-law, the erection or display of sky signs whether custom made or of standard design is permitted in areas of minimum control only. In addition:

- (1) Sky signs must:
  - (a) be limited to a maximum total size of 4,5 m<sup>2</sup>, provided that this size requirement may be waived up to a maximum of 18 m<sup>2</sup> upon receipt of an Environmental Impact Assessment indicating no detrimental environmental impact is envisaged.
  - (b) not obstruct the view from any other building.
- (2) Sky signs along the top edge of the roof of cultural, historic or architecturally significant buildings will only be permitted if they are locality bound, unilluminated and consist of individual cut-out letters or logos.
- (3) Have a minimum content of a proposed advertisement and will be measured in "bits" in calculating the information content.

## CHAPTER II : ROOF SIGNS

s29

Elements of the advertisement		Bits per element
Words	Up to 4 letters	0,5
	5 to 8 letters	1,0
Numbers	Up to 4 digits	0,5
	5 to 8 digits	1,0
	More than 8 digits	2,0
Logos, symbols and graphics	Smaller than 9 sq metres	0,5
	Between 9 and 18 sq metres	1,0
	Between 18 and 27 sq metres	1,5
	Larger than 27 sq metres	2,0

The information content of a proposed advertisement will be measured in "bits". In calculating the information contents of a proposed advertisement, the bit weights shown in the table above should be used.

- (4) The total bits in a proposed advertisement may not exceed 15.

### SCHEDULE "6"

#### ROOF SIGNS

Subject to approval in terms of this By-law, the erection or display of Roof signs is permitted in all Urban areas of control except areas zoned for residential purposes in areas of maximum control. In addition:

## CHAPTER II : SIGNS ON A VERANDAH, BALCONY, CANOPY, SUPPORTING COLUMNS, PILLARS AND POSTS

829

- (1) The total area of any roof sign affixed flush onto or painted onto a roof of a building may not exceed one-quarter of the overall area of the roof to which it is affixed or painted.
- (2) When attached to the bottom edge of a roof or vertically midwayan the roof of a building, such sign may not exceed 1 m in height and its total area may not exceed 25% of the area to which it is affixed.
- (3) It is permissible to affix a roof sign along the edge of a roof of a building, if such sign is composed of a single line of individual, cut-out letters, without visible bracing or support but may not be erected along more than two edges of such roof and may not exceed 3,6 m<sup>2</sup> in total area (6 x 0,6m); with a maximum height of 1 m.

## SCHEDULE "7"

SIGNS ON A VERANDAH, BALCONY, CANOPY, SUPPORTING COLUMNS, PILLARS AND  
POSTS

Subject to approval in terms of this By-law, the erection or display of signs on a verandah, balcony, canopy, supporting columns, pillars and posts may be permitted in all areas of control on condition that they also comply with the following conditions:

- (1) Nosuch signs will be allowed on or over architectural features of buildings.
- (2) Such signs may be affixed flat onto or painted on a parapet wall, balustrade or railing of a verandah or balcony, and beam or fascia of a verandah or balcony. In the aforementioned circumstances, the sign may not exceed 1 m in height or project above or below or beyond either end of the surface to which it is affixed, or project more than 250 mm in front of the surface to which it is affixed or project over a roadway or within 0,6 m of the edge of a roadway.

- (3) Such signs may be affixed flat onto or painted on supporting columns, pillars and posts. In this regard, no sign may project more than 50 mm in front of the surface to which it is affixed and shall not extend beyond any of the extremities of such columns, pillar or post. Signs affixed flat onto non-rectangular supporting structures may be curved to fit the form of such structure. Only one sign may be allowed per column, pillar or post.
- (4) Such signs suspended below the roof of a verandah, canopy or the floor of a balcony shall not exceed 1,8 m in length or 600 mm in height. Every such sign must be at right angles to the building line. No signs suspended under a canopy may extend beyond the external edge of the canopy or verandah to which it is attached.
- (5) Such signs on the roof of a verandah, canopy or balcony, excluding the main roof of a building, must be composed of a single line of freestanding, individual, cut-out silhouette letters without visible bracing or other visible means of support and may not be erected along more than two edges of such roof of a verandah or balcony.

### **SCHEDULE "S"**

#### **SIGNS ON BOUNDARY WALLS AND FENCES AND ON CONSTRUCTION SITE HOARDINGS**

Subject to approval in terms of this By-law, the erection or display of signs on boundary walls and fences is permitted only for locality bound signs in Urban areas of maximum, minimum or partial control and in addition:

- (1) In areas of maximum and partial control, the Municipality may approve an application to affix a locality bound sign against a boundary wall only if the sign is indented into the wall or composed of individual, unilluminated cut-out letters or symbols fixed flat on such wall not projecting more than 50 mm from the face of such wall.
- (2) In areas of minimum control, the Municipality may approve:
  - (a) An application to affix a locality bound sign flat onto a boundary wall only if it does not project more than 50 mm from the face of such wall.

## CHAPTER II: HEADLINE POSTERS

s29

---

- (b) An application to affix a locality bound flat sign with a maximum size of 0,5 m<sup>2</sup> onto the permanent fence of an erf.
- (3) Third party and locality bound advertising on construction site hoardings and fences must comply with the following conditions:
  - (i) Any sign may not exceed a vertical dimension of 3 m and total area of 18m<sup>2</sup>.
  - (ii) Any such sign shall not project more than 100 mm in front of the hoarding or fence to which it is affixed.
  - (iii) There will be no illumination thereof in areas of maximum and partial control.
  - (iv) There will be no advertising on construction site hoardings and fences within the cone of vision of motorists at signalised traffic intersections.

**SCHEDULE "9"****HEADLINE POSTERS**

Subject to approval in terms of this By-law, the erection or display of headline posters is permitted in all areas except natural and rural areas of maximum control. In addition -

- (1) Headline posters may not exceed 0,9 m x 0,6 m in area.
- (2) The commercial content of the poster may not exceed 20% of the area of the poster nor may such commercial lettering be larger than the main lettering in the remainder of the poster.

- 
- (3) The posters may be attached to Municipal electric light poles only where available and only pasted posters may be affixed to designated structures which are approved by the Municipality for the express purposes of pasting posters. They are not to be affixed to traffic signal poles, or other poles which carry road traffic signs, poles erected for any other purpose, or any other street furniture, wall, fences, trees, rocks or other natural features.
  - (4) Headline posters may not be pasted on municipal electric light poles but are to be mounted on board and affixed securely with stout string or plastic ties unless a permanent frame has been approved for this purpose.
  - (5) Only 1 headline poster per pole, regardless of which newspaper group it is, will be permitted.
  - (6) The number of posters as well as the designated areas for the display of headline posters as submitted by each newspaper group must be strictly adhered to.
  - (7) All "special events" posters are to comply with the following -
    - (a) The name of the newspaper group, the "special event" and the date of the "special event" must appear on the posters in letters not less than 50 mm in height.
    - (b) The special event posters may not be displayed more than 7 days before the date of the event and they must be removed within 24 hours after the date of the event shown on the poster.
  - (8) Headline posters and fastenings are to be removed on a daily basis failing which the posters will be removed, at the newspaper own expense, in accordance with the standard charges for removal of posters.

## CHAPTER II : HEADLINE POSTERS

s29

---

- (9) The Municipality may recover the costs of the removal of unauthorised posters, and the reinstatement of the surface from which such posters were removed, from the persons responsible for the display of such posters or the newspaper group concerned. These costs will be reviewed annually in terms of the annual Schedule of Tariffs.
- (10) The Municipality may remove any poster displayed in contravention of the abovementioned conditions.
- (11) Any poster not removed on a daily basis or a poster relating to a "special event" by due date referred to in Paragraph 7(b) shall be removed by the Municipality or its agent.
- (12) The display of unauthorised posters is illegal and the Municipality or its agent will also remove such posters.
- (13) The Municipality will determine the costs involved for the removal of unauthorised posters by the Municipality from time to time.
- (14) Application must be made on an annual basis by each newspaper group for permission to display such signs subject to an annual fee per newspaper group.
- (15) A deposit per newspaper group must be paid annually against which a charge for the removal of any sign which contravenes the By-law will be levied. In the event of the deposit being exhausted, permission to display such signage may be withdrawn until a further deposit is submitted to the Municipality.
- (16) Fees may be updated annually by the Municipality in accordance with a published schedule or tariffs and charges.

**SCHEDULE "10"****ADVERTISING ON BANNERS, FLAGS AND BALLOONS**

Subject to approval in terms of this By-law, the erection or display of banners, flags or balloons is permitted in all areas except natural and rural areas of maximum control. In addition:

- (1) Locality bound advertising banners, flags and balloons must comply with the Municipality's standard conditions relating to the display of banners as set out below.
- (2) Approval for third party advertising on banners and balloons may only be granted for 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 Municipal, Provincial or Parliamentary election or referendum. The display of such banners must comply with the Municipality's standard conditions relating to the display of banners as set out herein below.
- (3) The display of banners is prohibited on any bridge or across any public road, and along any road designated by the Municipality from time to time, unless specific consent has been obtained from the Municipality.
- (4) Banners may not be attached so as to interfere with or constitute a danger to passing pedestrians or vehicular traffic.
- (5) No banner may be larger than 3 m<sup>2</sup> except with the prior written approval of the Municipality.
- (6) No banner may be displayed within 30 m of any road traffic sign or traffic signal.
- (7) Banners are not to be affixed to trees, traffic signal poles, electrical or service authority distribution boxes, or other poles which carry road traffic signs, rock, other natural features, street furniture or other Municipal property,
- (8) Banners may not be affixed in such a way that they unfairly prejudice other businesses or organisations or obscure any approved existing signs.



## CHAPTER II: POSTERS

s29

---

- (9) Locality bound banners may only be affixed to the premises concerned.
- (10) Only one first party advertising banner per premises will be permitted unless the Municipality's written permission is obtained for more than one banner and the applicant is to submit in writing the time frame required for the erection of such banner, which time frame may not exceed 10 days, unless the Municipality has specified, in its approval, that a longer period has been granted.

**SCHEDULE "11"****POSTERS**

Subject to approval in terms of this By-law, the erection or display of posters is permitted in all areas of control except natural and rural areas of maximum control. In addition -

- (1) All posters must be presented to the Municipality in order to be date stamped, with the date upon which the poster is to be removed. This stamp must appear prominently on the front of the poster. Posters must be removed within 3 days of the date stamped onto the poster and must be returned to the Municipality within 4 days of the date stamped on the poster, in order to qualify for a refund of the deposit.
- (2) The name of the host organisation, the date of the function and the venue must appear on the posters in letters not less than 50 mm in height.
- (3) No more than an aggregate of 1 000 posters per function or group of related functions or event may be displayed at any one time (except election posters) in any area designated by the Municipality.
- (4) Posters may not exceed 0,9 x 0,6 m in area.
- (5) The commercial content of the poster may not exceed 20% of the area of the poster nor may such commercial lettering be larger than the main lettering in the remainder of the poster.

- 
- (6) Posters are to be attached to Municipal electricity Municipality light poles where available to a maximum of 3 per pole and pasted posters may only be affixed to designated structures which are approved by the Municipality for the express purpose of pasting posters. Posters are not to be affixed to traffic signal poles, electrical or service authority distribution boxes, or other poles which carry road traffic signs, poles erected for any other purpose, or any other street furniture, walls, fences, trees, rocks or other natural features.
  - (7) Posters may not be pasted on municipal electric light poles but are to be mounted on board and affixed securely with stout string or plastic fastening unless a permanent frame has been approved for this purpose. (No securing material with a metal content is permitted.)
  - (8) Only one poster per function (or event) per body may be displayed on any pole.
  - (9) No poster may be displayed within 30 m of any road traffic sign or traffic signal.
  - (10) Posters may not be displayed more than 7 days before the date of the function and must be removed within 3 days from the date of the function or the last day thereof as applicable.
  - (11) The display of posters is prohibited on any bridge and the Municipality or its sub-councils may designate other areas where the display of posters will not be permitted.
  - (12) The Municipality may recover the costs of the removal of illegal posters, and the reinstatement of the surface from which such posters were removed, from the person/s responsible for the display of such posters.
  - (13) The Municipality or its agent must remove any poster displayed in contravention of the abovementioned conditions,
  - (14) Any poster not removed by the date referred to in paragraph (1) shall be removed by the Municipality.

## CHAPTER 11: ESTATE AGENT SIGNS

s29

---

- (15) The display of unauthorised posters is illegal and such posters may also be removed by the Municipality or its agent.
- (16) The display of posters purely for commercial advertising is not permitted, provided that any poster erected or displayed by a person, for a commercial advantage, which relates to a sport, the arts, or cultural event may be permitted, despite the display of that poster being purely for commercial advertising.
- (17) Each person intending to display a poster must pay to the Municipality a deposit, per poster and a non-refundable fee which will entitle that person to display the said poster for a maximum period of 14 days, or such other time as is stipulated by the Municipality, such fee being determined in accordance with the Municipality's Schedule of tariffs and charges. published from time to time. No poster may be displayed without such deposit and fee having been paid.

**SCHEDULE "12"****ESTATE AGENT SIGNS**

Subject to approval in terms of this By-law, the erection or display of estate agent signs is permitted in all areas except natural areas of maximum control. In addition:

- (1) Estate Agent signs may be displayed only from 12h00 on Saturday to 20h00 on Sundays.
- (2) Estate Agent signs are to be attached only to municipal electric light poles where available and only with stout string or plastic ties. No securing material with metal content shall be permitted. Signs may not be affixed to trees, traffic signal poles or other poles which carry road traffic signs, walls, fences, rocks, other natural features or landscaped areas, street furniture or other Municipal property unless such other display is authorised by the Municipality in writing.
- (3) Only one sign per agency per light pole may be displayed.

- 
- (4) On each sign, the wording "on show" "Showhouse, Showflat or Showplot" with the Agency's name and directional arrow must be displayed. (directional sign).
  - (5) Where no municipal light poles are available, signs may be displayed on stakes making use of a design approved by the Municipality. Estate Agent signs may not be displayed on concrete, premix or paved surfaces. It is not permissible for stakes to penetrate the ground deeper than 15 em.
  - (6) Estate agent signs may not exceed 0,3 m<sup>2</sup> in total area.
  - (7) Not more than six estate agent directional signs will be permitted in total per showhouse, showplot or block of flats in which a showflat is on display. The definition of one sign includes the display of two signboards only when such boards are sandwiched back to back around an electric light pole.
  - (8) Estate agent signs may not be displayed along Scenic Drives or on any bridge, public park or public open space.
  - (9) Only one directional sign per Showhouse, flat or plot may be displayed along any proclaimed main road, excluding roads referred to in 8 above.
  - (10) No Estate agent sign may obscure a road traffic sign.
  - (11) No Estate agent sign may be erected on centre islands.
  - (12) No Estate agent sign may be erected in such a way that any part of it is closer than 1,5 m from a road verge.
  - (13) Directional signs may be displayed along main routes only, being the shortest route from a main road to the property.
  - (14) No Estate agent signs may be erected on any tarred areas of pavements.
  - (15) "Sold", "For Sale" or "To let" signs must be erected flush against the fence/wall of the property.

## CHAPTER II LOOSE PORTABLE SIGNS

s29

---

- (16) "Sold" signs may be displayed flush against the fence or wall of the property for a maximum of two weeks only.
- (17) No signs indicating anything other than property for sale may be erected or displayed by Estate agents or agencies.
- (18) Application by each estate agency on an annual basis must be made for permission to display Estate agent signs and approval will be subject to payment of an annual fee in accordance with the Municipality's Schedule of tariffs and charges published from time to time.
- (19) A deposit must be paid per agency against which a charge for the removal of any sign which contravenes the By-law will be levied. In the event of the above deposit being exhausted, permission to display such signage will be withdrawn until a further deposit is paid to the Municipality.
- (20) Any Estate agent sign unlawfully erected, or in contravention of the provisions of this Schedule, will be subject to a charge by the Municipality, calculated in accordance with the published schedule of tariffs and charges irrespective of whether such sign is removed by the Municipality or not. In the event of the said sign not being removed by the Municipality; photographic evidence of the unlawful sign will be obtained by the Municipality prior to levying the said charge.

**SCHEDULE "13"****LOOSE PORTABLE SIGNS**

Subject to approval in terms of this By-law, the erection or display of loose portable signs is permitted in areas of minimum and partial control as well as designated areas within urban areas of maximum control. In addition:

- (1) Loose portable signs placed in the Road Reserve or in Public Open Space without the written permission of the Municipality are not permitted in terms of these By-laws.

## CHAPTER II : LOOSE PORTABLE SIGNS

s29

- 
- (2) The Municipality may summarily remove loose portable signs that are placed without the Municipality's permission in the Road Reserve or Municipality-owned property. The Municipality may 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 loose portable signs which comply with the following requirements -
- (a) The loose portable sign does not pose a hazard in terms of safety to the public and is, in this regard, of appropriate structure and size.
  - (b) The loose portable sign does not obstruct or inconvenience the public either by its physical size or location.
  - (c) The loose portable sign does not unfairly prejudice other traders.
  - (d) The loose portable sign, or proposed number thereof does not detract from the amenity of the local streetscape or local environment.
  - (e) The loose portable sign is solely to advertise the name of the business, goods or services for sale from the advertiser's premises.
  - (f) The maximum dimensions of the proposed loose portable sign shall be 1,20 m (height) x 0,6 m (width).
  - (g) The loose portable sign must 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.

## CHAPTER II : AERIAL SIGNS

s29

---

- (4) Approved loose portable signs will be allocated to a demarcated area within the Road Reserve or on Municipal property where, during the normal trading hours, applicants may then place the approved loose portable sign. The said loose portable sign must be removed outside normal trading hours and stored away from public view.
- (5) The demarcated area for displaying the loose portable signs, will be leased to an applicant at a rate to be set by the Municipality and published in accordance with a Schedule of tariffs and charges to be updated annually by the Municipality, payable in advance for a maximum period of six months.
- (6) Applicants **will** be required to indemnify the Municipality against any claims for third parties that may arise, due to the placement of loose portable signs 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 Loose Portable *sign/s* should the applicant contravene any of the above conditions.
- (8) The fees set out herein may be updated annually by the Municipality and in accordance with a published schedule of tariffs and charges.

## SCHEDULE "14"

## AERIAL SIGNS

Subject to approval in terms of this By-law, the erection *or* display of aerial signs is permitted only in urban areas of partial or minimum control. In addition:

- (1) No aerial signs affixed to any building or structure may be flown at a height of more than 45 m from the surface measured from ground level.
- (2) Aerial signs must not be flown above a public road.

---

**SCHEDULE "15"****TRANSIT ADVERTISING**

Subject to approval in terms of this By-law, the erection or display of transit advertising signs is permitted only in urban areas of partial or minimum control. In addition -

- (1) The parking of a transit advertising sign which is visible from a public road or a public place for the purpose of third-party advertising is prohibited, except if it is displayed on a designated display site approved in terms of this By-law.
- (2) Transit advertising signs parked on private property for the purposes of storage shall be positioned in such a manner as not to be visible from a street or public place.
- (3) The advertising panel or portion of the vehicle used for transit advertising shall not exceed a cumulative total of 18 m<sup>2</sup> in areas of partial control, which size may be increased to a maximum size of 36 m<sup>2</sup> in areas of minimum control.
- (4) The Municipality may designate sites in areas of partial and minimum control for transit advertising and must publish such sites from time to time.
- (5) Notwithstanding any provisions of these By-laws, the Municipality may without prior notice carry out the removal of any unauthorised transit advertising sign from Municipal property, and, in the case of unauthorised transit advertising on private property, the Municipality or its authorised agent may serve a notice calling for removal in terms of these By-laws.
- (6) Transit advertising signs must be fixed to the ground at the parking location.
- (7) All such trailers should be registered as mobile transit advertising trailers with the Municipality for ease of law enforcement.]



## CHAPTER II SIGNS ON MUNICIPAL LAND/BUILDINGS

s30

---

## SCHEDULE "16"

## SIGNS ON MUNICIPAL LAND/BUILDINGS

Other than as is set out below, no signs other than locality bound signs, temporary signs including loose portable sign, estate agents signs, newspaper headline posters and posters (the erection of which must comply with the appropriate schedules pertinent thereto) may be erected on Municipal owned land.

30. Commercially sponsored signs, other than those referred to in section 62

- (1) Notwithstanding the area of control within which it is proposed to erect a commercially sponsored sign on municipal land, and subject to compliance with all other provisions of these By-laws, the Municipality may consider a commercially sponsored sign for approval, subject to the following:
  - (a) Public or community needs or goals must be identified by the Municipality or adopted by it and if such needs can be addressed either entirely or in part by the granting of concessions to particular persons for the erection of commercially sponsored signs, the Municipality will be entitled to call for proposals or counter proposals for such public or community needs or goals and the related advertising opportunities.
  - (b) In order to identify such public or community needs or goals, the relevant Municipal department and other interested authorities will be consulted prior to proposals being invited, so as to establish conditions, criteria and constraints in respect of such advertising.
  - (c) The Procurement Policy will be applied and the extent of involvement of previous disadvantaged persons, small businesses, job creation and empowerment will be considered in any proposal.

## CHAPTER II : SIGNS ON MUNICIPAL LAND/BUILDINGS

s30

- 
- (d) Any proposal will be evaluated based on the requirements of these By-laws and *inter alia* on the best public or community benefit offered, the design contribution, the creativity and public safety and the adherence to the principles or stipulations in the By-law as opposed to the largest advertising opportunity or financial gain. In addition, the permanence of the contribution to the public or community goal or need will be taken into account, as will the recovery cost over the period of the erection of the sign. When contributions in kind are to be recovered by the Municipality, a conversion of this to a monetary contribution to the Municipality's income base will be assessed.
- (e) The relevant municipal departments, municipal property branch and the environmental management branch as well as the transport and roads branch (in the case of advertising within the road reserve) must jointly evaluate the proposal and approval will be given when such evaluation process is complete.
- (f) The Municipality, as landowner, reserves the right not to proceed with any proposal prior to final approval thereof and the call *for* invitations *for* proposals in any respect may not be regarded as a decision by the Municipality to proceed with the erection of a sign in respect of a specific site.
- (g) Once accepted, any sign to be erected in terms of this schedule must be the subject matter of a written agreement between the Municipality as landowner and the person responsible *for* the erection of the sign which agreement will contain the rights and obligations of both parties but which will not derogate from any of the obligations on either party in terms of this By-law. No sign may be erected or displayed in terms of this schedule until such agreement has been concluded and a signed copy delivered to the environmental management branch of the Municipality.

## CHAPTER II : SIGNS ON MUNICIPAL LANDBUILDINGS

,31-032

---

**31. Sponsored signs**

- (1) Notwithstanding the area of control within which it is proposed to erect such a sign on Municipal owned land and subject to compliance with all other provisions of the By-law, the Municipality may consider a sponsored sign for approval on condition that-
- (a) In the application to be submitted in terms of Section 2 of these By-laws, written details are delivered clearly indicating the recognised public or community goal which will be promoted by the erection or display of the proposed sign.
  - (b) Signs with a political content will not be permitted,
  - (c) No more than 5% of the total surface of the sign is used for third party advertising.
  - (d) The maximum size of any such sign is 6m x 3m provided in the event of a V-shaped sign being proposed, its maximum size will not exceed two panels of 6m x 3m each.
  - (e) Applications for billboards to be erected in terms of this section must comply with the requirements as set out in Schedule 2.
  - (f) No sign erected in terms of this clause shall be located within 5m of a property's boundary lines.

**32. Non-profit signs**

Notwithstanding the area of control within which it is proposed to erect a sign, and subject to compliance with all other provisions of this By-law, the Municipality may consider the erection of a sign by or for the benefit of a non-profit body subject to compliance with the requirements set out in Schedule 17,

## **SCHEDULE "17"**

### **SIGNS ERECTED BY OR FOR THE BENEFIT OF NON-PROFIT BODIES**

- (1) Notwithstanding the area of control within which it is proposed to erect a sign by or for the benefit of a non-profit body, and subject to compliance with all other provisions of this By-law, the Municipality may consider such a sign for approval subject to the following:
  - (a) In the application to be submitted in terms of Section 2 of this By-law, written details from the host non-profit body regarding the nature and extent of the support to be received from the erection or display of the sign must be delivered to the Municipality together with the other information set out in Section 2 of the By-law.
  - (b) The extent of involvement of previously disadvantaged communities. small businesses, job creation and empowerment will be considered in any proposal.
  - (c) Any proposal will be evaluated based on the requirements of the By-law and the public or community goal benefit which is being met, the design contribution, the creativity and public safety and the adherence to the principles or stipulations in the By-law as opposed to the largest advertising opportunity or financial gain. In addition, the permanence of the contribution to the goal of the non-profit body will be taken into account.
  - (d) In the event of it being proposed that the said sign will be erected on municipal land:
    - (i) The relevant municipal departments, municipal property branch and the environmental management branch as well as the transport and roads branch (in the case of advertising within the road reserve) shall jointly evaluate the proposal and approval will be given when such evaluation process is complete.

## CHAPTER II : SIGNS ERECTED BY OR FOR THE BENEFIT OF NON-PROFIT BODIES

s32

---

- (ii) The municipality as landowner reserves the right not to proceed with any proposal prior to final approval of the proposal;
  - (iii) If accepted, any such sign to be erected in terms of this Schedule, on municipal land must be the subject of a written agreement between the Municipality, the person responsible for the erection of the sign and the non-profit body which agreement contains the rights and obligations of all parties but which will not derogate from any of the obligations on any party in terms of this By-law. No such sign may be erected until such an agreement has been concluded and a copy delivered to the Environmental Management branch of the Municipality.
- (2) In addition the following conditions will apply -
  - (a) Signs with a political content will not be permitted.
  - (b) The maximum size of any such sign is 6m x 3m provided in the event of a V-shaped sign being proposed, its maximum size will not exceed two panels of 6m x 3m each.
  - (c) Applications for billboards to be erected in terms of this section must comply with the requirements as set out in Schedule 2.
  - (d) No sign erected in terms of this clause shall be located within 5m of a property's boundary lines.
  - (e) The name of the non-profit body must be displayed prominently along the top width of the sign with a maximum 300 mm lettering height
  - (f) A public participation process has been held with all parties to be affected by the erection or display of such sign.
  - (g) The Municipality may require submission of an environmental impact assessment or traffic impact assessment or heritage impact assessment in accordance with its guidelines thereon.

## CHAPTER II SIGNS ERECTED BY OR FOR THE BENEFIT OF NON-PROFIT BODIES

s32

- 
- (h) No more than two individual signs of 6m x 3m each shall be permitted, or alternatively one V-shaped sign with a maximum size of two panels of 6m x 3m each on anyone property. In addition, only one sign per street frontage will be permitted.

**FEBRUARY 2006**

FINAL DRAFT

**FETAKGOMO LOCAL MUNICIPALITY**

**BY-LAWS RELATING TO THE**

**KEEPING OF ANIMALS**

## CHAPTER I: APPLICATION AND INTERPRETATION OF BY-LAWS

51

## TABLE OF CONTENTS

CHAPTER I	,140
APPLICATION AND INTERPRETATION OF BY-LAWS	140
1. Application of By-laws	,140
2. Interpretation of By-Laws	,140
CHAPTER II	,144
GENERAL PROVISIONS RELATING TO THE KEEPING OF ANIMALS	144
3. Application of Chapter	144
CHAPTER III	145
KEEPING OF CATTLE, HORSES, MULES AND DONKEYS	145
4. Requirements for premises	145
5. Duties of keeper of cattle, horses, mules and donkeys	146
CHAPTER IV	148
KEEPING OF GOATS AND SHEEP	148
6. Application	148
7. Requirements for premises	148
8. Duties of keeper of goats and sheep	149
CHAPTER V	150
KEEPING OF POULTRY	150
9. Application	150
10. Permit requirement	150
11. Requirements for premises	150
12. Duties of keeper of poultry	153
CHAPTER VI	154
KEEPING OF RABBITS	154
13. Application	154
14. Permit requirements	154



## CHAPTER I : APPLICATION AND INTERPRETATION OF BY-LAWS

sl

15. Requirements for the premises	154
16. Duties of keepers of rabbits	156
CHAPTER VII	157
KEEPING OF WILD ANIMALS	157
17. Requirements for the premises	157
18. Duties of keepers of wild animals	158
CHAPTER VIII	159
KEEPING OF PIGS	159
19. Requirements for premises	159
20. Duties of keepers of pigs	161
CHAPTER IX	162
GENERAL PROVISIONS	162
21. Drainage , " , , , , , , ,	162
22. Dangerous animals ,	162
23. Illness attributable to animals, poultry or birds	162
24. Keeping of and slaughtering animals for religious and ceremonial purposes	163
CHAPTER X	163
IMPOUNDING OF ANIMALS	163
25. Duties of an authorised official	163
26. Duties of poundmaster	164
27. Taking dogs into custody	165
28. Claiming of impounded animals	166
29. Destruction or sale of unclaimed animals	167
CHAPTER XI..	167
MISCELLANEOUS	167
30. Offences and penalties	167
31. Serving of notices	168
32. Application to the State	169

## CHAPTER I : APPLICATION AND INTERPRETATION OF BY-LAWS

51

---

33. Repeal	,	169
34. Short title		<b>169</b>

## CHAPTER I : APPLICATION AND INTERPRETATION OF BY-LAWS

51-52

---

The Municipal Manager of the Fetakgama Local Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the By-laws for the keeping of animals for the Fetakgomo Local Municipality, as approved by its Council as set out below.

## CHAPTER I

## APPLICATION AND INTERPRETATION OF BY-LAWS

## 1. Application of By-laws

## (1) These By-laws apply-

- (a) Within the defined boundaries of the Fetakgomo Municipality.
- (b) In addition to any applicable national or provincial law.

## 2. Interpretation of By-Laws

## (1) In these by-laws, unless the context otherwise indicates -

- (a) "agricultural holding" means the same as defined in the applicable Town Planning Scheme;
- (b) "animal" means any cattle, sheep, goat, horse, mule, donkey, pig, rabbit and wild animal;
- (c) "approval" means approval by the Council and "approved" has a corresponding meaning;
- (d) "authorised official" means any official of the Council who has been authorised by it to administer, implement and enforce the provisions of these By-laws;

## CHAPTER I APPLICATION AND INTERPRETATION OF BY-LAWS

s2

- 
- (e) "aviary" means an enclosure used for the keeping of birds, other than poultry but does not include a portable cage;
  - (f) "battery system" means the method of keeping poultry or rabbits in cages in either single rows or tier formation within a building or structure;
  - (g) "cattery" means premises in or upon which -
    - (i) boarding facilities for cats are provided; or
    - (ii) cats are bred for commercial purposes;
  - (h) "Council" means -
    - (i) the Fetakgomo Local Municipality established by Provincial Notice No. 278 of 2000 dated 1 October 2000, as amended, exercising its legislative and executive authority through its municipal Council; or
    - (ii) its successor in title; or
    - (iii) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or
    - (iv) a service provider fulfilling a responsibility under these by-laws, assigned to it in terms of section 81 (2) of the Local Government: Municipal Systems Act, 2000, or any other law, as the case may be.
  - (i) "enclosure" in relation to an animal, means any kraal, pen, paddock, cage or other fenced or enclosed area erected to confine an animal from escaping or roaming freely on the remainder of the premises;

## CHAPTER I APPLICATION AND INTERPRETATION OF BY-LAWS

s2

---

- (j) "foodstuff" means foodstuff as defined in section 1 of the Foodstuff Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);
- (k) "keeper" in relation to any animal, means the owner of an animal or any other person responsible for feeding and caring for an animal;
- (l) "kennels" means premises in or upon which -
  - (i) boarding facilities for dogs are provided;
  - (ii) dogs are bred for commercial purposes;
  - (iii) dogs are kept for the purposes of being trained or hired out with or without handlers; or
  - (iv) dogs are kept for commercial security purposes;
- (m) "livestock" means horses, cattle, sheep, goats, pigs, mules, donkeys and poultry;
- (n) "pet" means a domestic animal, bird or poultry kept in a household for companionship or amusement;
- (o) "pet parlour" means any premises where beauty treatment is given to pets by washing, drying, brushing, clipping, trimming or by attending to their nails or teeth;
- (p) "pet shop" means the premises on which the business of keeping and selling of pets is carried out;
- (q) "poultry" means fowls, ducks, muscovy ducks, geese, turkeys, pigeons, peacocks and domestic guinea-fowls;
- (r) "poultry house" means any roofed-over building or structure in which poultry is kept, other than one in which a battery system is operated;

## CHAPTER I : APPLICATION AND INTERPRETATION OF BY-LAWS

52

- 
- (s) "poultry run" means any unroofed wire mesh or other enclosure in which poultry is kept, whether or not it is attached to a poultry house;
  - (t) "pound" means a place designated by the Council in terms of any law for the impounding, sale and destruction of animals;
  - (u) "proclaimed township" means an approved township as contemplated in sections 79, 103.111 and 141(4) of the Town Planning and Townships Ordinance, 1986, (Ordinance No. 15 of 1986), or a township approved in terms of any prior law relating to townships;
  - (v) "public place" means a public place as defined in section 2 of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939);
  - (w) "public road" means a public road as defined in section 1 of the National Road Traffic Act, 1996:
  - (x) "roadway" means a roadway as defined in section 1 of the National Road Traffic Act, 1996;
  - (y) "rabbit hutch" means any roofed-over building or structure in which rabbits are kept, other than one in which a battery system is operated;
  - (z) "rabbit run" means any unroofed wire mesh or other enclosure in which rabbits are kept, whether or not it is attached to a rabbit hutch;
  - (aa) "stable" means any building or structure used to accommodate livestock other than poultry;
  - (bb) "wild animal" means an animal of a species that is not generally domesticated and without limitation includes all animals indigenous to South Africa other than domesticated guinea-fowls.

## CHAPTER /I : GENERAL PROVISIONS RELATING TO THE KEEPING OF ANIMALS

sJ

---

**CHAPTERJI****GENERAL PROVISIONS RELATING TO THE KEEPING OF ANIMALS****3. Application of Chapter**

- (1) Subject to the provisions of subsection (2), the provisions of this Chapter do not apply to -
  - (a) any agricultural show where animals are kept on a temporary basis; and
  - (b) any laboratory where animals are kept for research purposes.
- (2) If at any time it appears to an authorised official that the keeping of poultry or rabbits on an erf or agricultural holding, in respect of which a permit has been granted, is likely to constitute a nuisance or danger to the public health, that official may -
  - (a) cancel the permit; or
  - (b) prohibit the keeping of such poultry or rabbits.
- (3) An authorised official must serve a notice on the permit holder or the owner of the erf or agricultural holding concerned, informing him or her of a decision in terms of subsection (1) and instruct the owner to comply with the requirements within the period stated in such notice, which must be at least 48 hours.
- (4) An authorised official must as soon as a permit has been cancelled, notify the permit holder of that fact in writing.
- (5) An authorised official may, subject to the foregoing provisions of this section, issue a new permit if he is satisfied that the reason for the cancellation no longer exists or that there is no reason why a new permit should not be issued.

---

## CHAPTER III

### KEEPING OF CATTLE, HORSES, MULES AND DONKEYS

#### 4. Requirements for premises

- (1) No person may keep any cattle, horse, mule or donkey in a stable or enclosure that does not comply with the following requirements:
  - (a) Every wall and partition of the stable must be constructed of brick, stone, concrete or other durable material;
  - (b) the internal wall surfaces of the stable must be constructed of smooth brick or other durable surface brought to a smooth finish;
  - (c) the height of the walls to the wall plates of the stable must -
    - (i) if the roof is a pitched roof be 2,4 metres;
    - (ii) if the roof is a flat roof be 2,7 metres;
    - (iii) if the roof is a lean to roof be a mean height of 3 metres with a minimum of 2,4 metres on the lowest side;
    - (iv) in the case of a stable which has an opening along the entire length of one of its long sides be not less than 2 metres;
  - (d) the stable must have a floor area of at least 9m<sup>2</sup> for each head of cattle, horse, mule or donkey accommodated in it;
  - (e) lighting and ventilation must be provided by openings or glazed opening windows or louvers totalling at least 0,3m<sup>2</sup> for each animal to be accommodated in it except in the case of a stable open along the entire length of one of its long sides;



## CHAPTER III : KEEPING OF CATTLE, HORSES, MULES AND DONKEYS

sS

---

- (f) the lowest point of every opening, window or louvers must be at least 1,8 metres above floor level;
- (g) the floor of the stable must be constructed of concrete or other durable and impervious material brought to a smooth finish graded to a channel and drained;
- (h) any enclosure must have an area of at least 10m<sup>2</sup> for each head of cattle, horse, mule or donkey accommodated in it and the fencing must be strong enough to prevent an animal from breaking out;
- (i) no enclosure or stable may be situated within -
  - (i) 15 metres of the boundary of any land, property, dwelling or other structure used for human habitation; or
  - (ii) 50 metres of any water resource or water supply intended or used for human consumption; and
  - (iii) there must be a water supply adequate for drinking and cleaning purposes next to every stable or enclosure.

## 5. Duties of keeper of cattle, horses, mules and donkeys

- (1) Any person who keeps any cattle, horse, mule or donkey must-
  - (a) maintain the premises, and any equipment, apparatus, container or receptacle used in connection with keeping an animal, in a clean and sanitary condition and in good repair;
  - (b) provide portable manure storage receptacles of an impervious material and with close fitting lids;
  - (c) keep every manure storage receptacle on a platform constructed of concrete or other durable and impervious material near the stable or enclosure;

- 
- (d) if there is so much manure and bedding that storage receptacles are impractical, provide a manure container or area complying with the following requirements:
    - (i) The manure container or area must be roofed and enclosed by three walls constructed of brick, concrete or other durable material plastered to a smooth finish; and
    - (ii) the floor must be of smoothly finished concrete that is inclined so that it drains to a water channel along the full length of the open side, which is at least 150mm in diameter and is kept filled with water;
  - (e) remove all the manure from the stable and enclosure at least once every 24 hours and place it in the manure storage receptacles or manure container or area until it is removed from the premises;
  - (f) remove the contents of the manure storage receptacles or manure container or area from the premises at least once every second day and dispose of the manure in a way which will not create a public health nuisance;
  - (9) remove all bedding from the stable at least once a week and store it in the manure receptacles or manure container or area until it is removed from the premises;
  - (h) store all saddles, bridles, harnesses and other equipment or articles used in connection with the keeping of an animals, in a storeroom or other adequate storage facility; and
  - (i) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids.

## CHAPTER IV : KEEPING OF GOATS AND SHEEP

56-57

---

## CHAPTER IV

**KEEPING OF GOATS AND SHEEP****6. Application**

- (1) The provisions of sections 7 and 8 also apply to the temporary keeping of a goat on any premises for the provision of milk for medical reasons,

**7. Requirements for premises**

- (1) No person may keep goats or sheep in -
- (a) an enclosure which does not comply with the following requirements:
    - (i) The minimum overall floor area must be 30m<sup>2</sup>; and
    - (ii) at least 1,5 m<sup>2</sup> of floor space must be provided for every goat or sheep accommodated in it; or
  - (b) a stable which does not comply with the following requirements:
    - (i) Every wall must be constructed of brick, stone, concrete or other durable material;
    - (ii) every wall must be at least 2 metres in height and have a smooth internal finish;
    - (iii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel drained in terms of section 21;
    - (iv) at least 1,5 m<sup>2</sup> of floor space must be provided for every goat or sheep accommodated in it with an overall minimum floor area of 6m<sup>2</sup>; and

- (v) lighting and ventilation openings totalling at least 0, 15m<sup>2</sup> per goat or sheep must be provided.
- (2) No person may keep goats or sheep in an enclosure or stable within -
  - (a) 15 metres of any boundary of any land, dwelling, building or other structure used for human habitation; or
  - (b) 50 metres of any water resource or water supply intended or used for human consumption
- (3) Every person must provide a water supply adequate for drinking and cleaning purposes situated next to or in every enclosure or stable used to accommodate goats or sheep.

#### 8. Duties of keeper of goats and sheep

- (1) Any person who keeps goats or sheep must-
  - (a) maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping an animal in a clean and sanitary condition and in good repair;
  - (b) provide portable manure storage receptacles of an impervious material and with close fitting lids;
  - (c) keep every manure storage receptacle on a platform that enables the surface underneath the receptacle to be cleaned;
  - (d) remove all manure from the enclosure or stable atleast once every seven days and place it in the manure storage receptacles;
  - (e) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way that will not create a public health nuisance; and

## CHAPTER V: KEEPING OF POULTRY

s9-s11

---

- (f) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids in the storeroom.

## CHAPTER V

## KEEPING OF POULTRY

## 9. Application

The provisions of sections 11 (1 ltd), (e), (f), (g) and 12(e), do not apply to any person keeping ten or less poultry.

## 10. Permit requirement

No person may keep more than 10 poultry on an erf in a proclaimed township or 100 poultry on premises zoned for agricultural purposes except in terms of a permit authorising that activity.

## 11. Requirements for premises

- (1) No person may keep poultry in premises which do not comply with the following requirements:

- (a) In relation to a poultry house -

- (i) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;
  - (ii) the floor must be constructed of concrete or other impervious material brought to a smooth finish;
  - (iii) the upper floor of a two or more story structure must be constructed of an impervious and easily cleanable material;

## CHAPTER V : KEEPING OF POULTRY

511

- 
- (iv) the minimum floor area must be -
    - (aa) 0,20 m<sup>2</sup> for each grown fowl, duck, muscovy duck or guinea fowl;
    - (bb) 0,5 m<sup>2</sup> for each grown goose, turkey or peacock; and
    - (cc) 0,14 m<sup>2</sup> for each grown pigeon; and
  - (v) the minimum aggregate floor area must be 4m<sup>2</sup>;
- 100 a poultry run, if provided, must be enclosed with wire mesh or other durable material;
- (c) in relation to a building or structure housing a battery system -
    - (i) every wall, if provided, must be at least 2,4m high, must be constructed of concrete, stone, brick or other impervious material and must have a smooth internal surface;
    - (ii) if walls are provided, the building must be ventilated and lit by means of mechanical ventilation and artificial lighting or by obtaining natural ventilation and light through openings or opening windows of an area not less than 15% of the floor area of the building or structure;
    - (iii) the floor must be constructed of concrete or other impervious material brought to a smooth finish and if required by an environmental health officer, the floor surface must be graded and drained by means of a channel drained in terms of section 21;
    - (iv) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its edges;
    - (v) the cages of the battery system must be made of an impervious material; and

## CHAPTER V : KEEPING OF POULTRY

s0

---

- (vi) if required by an environmental health officer, a tray of an impervious material must be fitted under every cage for the collection of manure;
- (d) a water supply adequate for drinking and cleaning must be provided in or next to every poultry house and poultry run and in or next to a building or structure housing a battery system;
- (e) no poultry house, poultry run, or building or structure housing a battery system, may be constructed within 3 metres of-
  - (i) any dwelling or other building or structure used for human habitation; and
  - (ii) any place where foodstuffs are stored or prepared for human consumption; or
  - (iii) the nearest boundary of any land;
- (f) feed must be stored in an adequate rodent-proof storeroom;
- (g) adequate washing facilities must be provided for the cleaning of the cages;
- (h) if required by an environmental health officer, due to the amount of manure stored on the premises awaiting removal, a storage area complying with the following requirements must be provided:
  - (i) A roofed platform constructed of concrete or other impervious material;
  - (ii) the platform's outside edges must have a minimum curb of 100 mm high;
  - (iii) the platform must be graded and drained in terms of section 21; and
  - (iv) the roof of the platform must extend a minimum of 1 metre beyond the edges of the base of the platform.

---

## 12. Duties of keeper of poultry

- (1) Any person who keeps poultry must-
- (a) ensure that all poultry is kept within a poultry house, poultry run or building or structure housing a battery system;
  - (b) maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the poultry, in a clean, sanitary condition and in good repair;
  - (c) maintain the premises and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from pests;
  - (d) ensure that the poultry do not disturb or hinder the comfort, convenience, peace or quiet of the public;
  - (e) provide portable manure storage receptacles of an impervious material and with close fitting lids and keep the manure storage receptacles on a platform;
  - (f) remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every four days from a building or structure housing a battery system;
  - (g) place the manure and other waste matter in manure storage receptacles;
  - (h) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way which will not create a public health nuisance; and
  - (i) take adequate measures to keep the premises free of flies, cockroaches and rodents and to prevent offensive odours arising from the keeping of poultry on the premises.



## CHAPTER VI : KEEPING OF RABBITS

s13-015

---

## CHAPTER VI

## KEEPING OF RABBITS

## 13. Application

The provisions of sections 15(1)(b), (c), (d), (f) and (g), and 16(1)(d), (f) and (g), do not apply to any person keeping ten or less rabbits.

## 14. Permit requirements

- (1) No person may keep more than 5 adult rabbits on an erf in a proclaimed township or more than 20 adult rabbits on premises zoned for agricultural purposes, except in terms of a permit authorising that activity.

## 15. Requirements for the premises

- (1) No person may keep rabbits in premises which do not comply with the following requirements:
  - (a) In relation to a rabbit hutch -
    - (i) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;
    - (ii) the floor surface must be -
      - (aa) constructed of concrete or other impervious material brought to a smooth finish;
      - (bb) situated at least 150 mm above ground level; and
      - (ee) graded to a channel drained in terms of section 21, if required by an environmental health officer;

## CHAPTER VI : KEEPING OF RABBITS

siS

- 
- (iii) adequate ventilation must be provided; and
    - (iv) the rabbit hutch must be adequate in size to allow free unobstructed movement of animals kept therein.
  - (b) any rabbit run must be enclosed with wire mesh or other durable material and constructed in a way that prevents the escape of rabbits from the run;
  - (c) in relation to a building or structure housing a battery system -
    - (i) every wall must-
      - (aa) be at least 2,4 metres high;
      - (bb) be constructed of concrete, stone, brick or other durable material; and
      - (cc) must have a smooth internal surface;
    - (ii) if walls are provided, the building or structure must be ventilated and lit by means of natural openings or windows of an area not less than 15% of the floor area of the building or structure;
    - (iii) the floor must be constructed of concrete or other impervious material brought to a smooth finish, and if required by an environmental health officer, the floor surface must be graded to a channel drained in terms of section 21;
    - (iv) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its outside edges; and
    - (v) every cage must be constructed of an impervious material and fitted with trays of an impervious material for the reception of manure;
  - (d) a water supply adequate for drinking and cleaning purposes must be provided in or next to every rabbit hutch or building or structure housing a battery system;

## CHAPTER VI : KEEPING OF RABBITS

s16

---

- (e) no person may erect a rabbit hutch, rabbit run or building or structure housing a battery system within five metres of -
  - (i) any dwelling, building or other structure used for human habitation;
  - (ii) any place where foodstuffs are stored or prepared for human consumption; or
  - (iii) the nearest boundary of any land;
- (f) an adequate rodent-proof storeroom must be provided for the storage of feed; and
- (g) adequate washing facilities must be provided for the cleaning of cages.

## 16. Duties of keepers of rabbits

- (1) Any person who keeps rabbits must-
  - (a) keep all rabbits within the rabbit hutch, rabbit run or building or structure housing a battery system;
  - (b) maintain the premises and any equipment, apparatus, containers or receptacles used in connection with keeping rabbits, in a clean, sanitary condition and in good repair;
  - (c) maintain the premises free from offensive odours and every rabbit hutch;
  - (d) rabbit run or building or structure housing a battery system and all cages clean and free from pests;
  - (e) provide portable manure storage receptacles of an impervious material with close-fitting lids which receptacles must be kept on a platform;

## CHAPTER VII : KEEPING OF WILD ANIMALS

.17

- (f) remove all manure and any other waste matter from the rabbit hutch, rabbit run or building or structure housing a battery system, at least once every 48 hours;
- (g) keep the manure and waste in manure storage receptacles until it is removed from the premises; and
- (h) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the contents in a way which will not create a public health nuisance.

## CHAPTER VII

**KEEPING OF WILD ANIMALS**

## 17. Requirements for the premises

- (1) No person may, without the approval of the relevant nature conservation authorities, keep wild animals on premises which do not comply with the following requirements:
  - (a) Every wild animal must be kept in an enclosure and/or housing constructed and equipped as follows:
    - (i) the enclosure and/or housing must satisfy the needs of the specific animal as specified by the relevant nature conservation authorities;
    - (ii) the enclosure and/or housing may not be situated within 50 metres of-
      - (aa) any boundary of the premises;
      - (bb) any dwelling, building or structure used for human habitation;
      - (cc) any dwelling, building or structure where food is stored, handled or prepared for human consumption: or
      - (dd) any water resource intended for domestic consumption;

## CHAPTER VII : KEEPING OF WILD ANIMALS

s18

---

- (iii) an adequate supply of potable water for drinking and cleaning purposes must be provided; and
  - (iv) the enclosure and/or housing must be graded and drained in a way that does not pollute any water resource or create a public health nuisance;
- (b) a separate room, equipped with a preparation table and wash-up sink, supplied with running potable water and drained in accordance with section 21, must be provided for the preparation of food;
- (c) adequate facilities must be provided for washing any cages, trays, crates, refuse receptacles and food containers in the form of either -
  - (i) a curbed platform constructed of concrete or other impervious material brought to a smooth finish; or
  - (ii) a stainless steel sink or trough adequate in size to accommodate the equipment to be washed;
- (d) both facilities referred to in paragraph (c) must be provided with a supply of running water adequate for drinking and cleaning and be drained in accordance with section 21;
- (e) any area and room in which fodder and food are stored must be rodent-proof; and
- (f) the enclosure and/or housing must be adequate in size to allow free unobstructed movement of animals kept therein.

**18. Duties of keepers of wild animals**

- (1) Any person who keeps wild animals must-
  - (a) maintain the premises in a clean and sanitary condition at all times;

## CHAPTER VIII : KEEPING OF PIGS

s19

- (b) clean all manure and food scraps from any enclosure and/or housing at adequate intervals;
- (c) prevent the soil beneath or around any enclosure and/or housing from becoming saturated with urine or polluted by any other matter or liquid; and
- (d) remove all bedding from any housing at least once every seven days and store it in a manure receptacle or manure container or area, until it is removed from the premises.

## CHAPTER VIII

## KEEPING OF PIGS

## 19. Requirements for premises

- (1) No person may keep pigs on premises which do not comply with the following requirements:
  - (a) Every wall must-
    - (i) be constructed of brick, stone, concrete or other durable material;
    - (ii) have a minimum height of 1,5 metres; and
    - (iii) have a smooth, impervious internal surface;
  - (b) the floor area must provide at least 3m<sup>2</sup> for each pig accommodated in the pigsty, with an overall minimum floor area of 6 m<sup>2</sup>;
  - (c) the roof over any portion of a pigsty must have a minimum height of 1,5 metres;
  - (d) except in the case of a roofed structure having one of its long sides completely open, the lighting and ventilation openings must -

## CHAPTER VIII: KEEPING OF PIGS

s19

---

- (i) be situated opposite one another in the external walls; and
  - (ii) provide a minimum of 0,15 m<sup>2</sup> for each pig;
- (e) the floor must be -
  - (i) at least 150 mm above the surrounding ground level;
  - (ii) constructed of concrete or other durable and impervious material brought to a smooth finish; and
  - (iii) graded for the run-off of liquids into an open channel outside the pigsty;
- (f) the open channel referred to in paragraph (e)(iii) must-
  - (i) be constructed of concrete or other durable and impervious material;
  - (ii) be a minimum of 100 mm in diameter; and
  - (iii) be drained in terms of section 21;
- (g) the pigsty must be strong enough to prevent the pigs breaking out;
- (h) the pigsty may not be situated within 100 metres of-
  - (i) the boundary of the premises;
  - (ii) any dwelling, building or structure used for human habitation;
  - (iii) any place where foodstuffs are stored or prepared for human consumption; or
  - (iv) any water resource intended for domestic consumption;
- (i) a roofed over concrete platform must be provided for-
  - (i) the storage of all swill in containers; and

- (ii) the preparation of pig feed;
- (j) the platform referred to in paragraph (i) must comply with the provisions of paragraph (e) and in addition, must have a curbing of a minimum height of 100 mm on each edge; and
- (k) a water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the pigsty.

## 20. Duties of keepers of pigs

- (1) Every person keeping pigs must-
  - (a) ensure that every pig is kept within a pigsty;
  - (b) maintain the premises and any equipment, apparatus, containers and receptacles concerned in a clean and sanitary condition and in good repair;
  - (c) provide portable storage receptacles, of impervious material and with close fitting lids, to store manure;
  - (d) keep all manure storage receptacles on a platform;
  - (e) remove all manure from the pigsty at least once every 24 hours and place it in the manure storage receptacles;
  - (f) remove the contents of the manure storage receptacles from the premises at least once every second day and dispose of the manure in a manner that will not create a public health nuisance;
  - (g) provide a rodent-proof store-room of adequate size in which all feed, other than swill, must be stored; and
  - (h) provide rodent-proof receptacles, with close fitting lids, in which to store all loose feed.



## CHAPTER IX: GENERAL PROVISIONS

s21-s23

---

## CHAPTER IX

**GENERAL PROVISIONS****21. Drainage**

Any person keeping animals must ensure that all sinks, wash hand basins, baths, shower-baths, troughs, floor surfaces, channels and washing platforms required to be drained in terms of this Chaoter. are drained in accordance with the ovisions of the National Building Regulations and Building Standards Act.

**22. Dangerous animals**

- (1) No person may, keep any wild animal of a species that is dangerous to humans, including without limitation, large carnivores, venomous snakes, spiders or scorpions without a permit issued by an environmental health officer.
- (2) Any person who keeps any animal which is known to behave in a manner that is dangerous to humans must keep it in an adequate enclosure and take adequate measures to ensure that it does not escape from the enclosure or pose a danger to the residents of, or visitors to, the premises or any other person.

**23. Illness attributable to animals, poultry or birds**

- (1) The illness of any person, which may be attributed to any animal, poultry or bird kept or handled by that person, must be reported to an environmental health officer within 24 hours of diagnosis, by the person making the diagnosis.
- (2) An environmental health officer may order the removal of an animal, poultry or bird from premises if he or she reasonably believes that an animal poses a public health nuisance or public health hazard.

## CHAPTER X IMPOUNDING OF ANIMALS

524-025

**24. Keeping of and slaughtering animals for religious and ceremonial purposes**

- (1) Any person who keeps an animal prior to slaughtering it for any religious or ceremonial purposes, must comply with the provisions of this Chapter applicable to the animal concerned.
- (2) A person intending to slaughter an animal in any place other than in a recognised abattoir must -
  - (a) slaughter the animal in a humane manner;
  - (b) use the meat derived from the slaughtered animal solely for the purposes of the religious or ceremonial feast;
  - (c) handle the meat in a hygienic manner at all times;
  - (d) dispose of any portions of an animal which are not used or consumed, in a manner which will not become a public health hazard or public health nuisance; and
  - (e) not keep such animal bound prior to slaughtering for a period in excess of 12 hours.

## CHAPTER X

**IMPOUNDING OF ANIMALS****25. Duties of an authorised official**

- (1) An authorised official may confiscate an animal which is found in a public place and is apparently ownerless if in his or her opinion the animal constitutes a hazard to the public or to vehicular traffic.

## CHAPTER X IMPOUNDING OF ANIMALS

s26

---

- (2) The authorised official must, after confiscating the animal, take such animal into a pound for the purposes of detaining it.

**26. Duties of poundmaster**

- (1) A poundmaster must-
- (a) keep the pound open between 08:00 and 16:30 from Monday to Friday and Saturday between 08:00 and 12:00 unless any such day is a public holiday;
  - (b) accept, take charge of and impound an animal brought to the pound with a view to impounding it, during the hours when the pound is open and must, subject to the further provisions of this Chapter, detain that animal in the pound: Provided that the poundmaster may refuse to receive, or may release, an animal if he or she reasonably believes that such animal was not lawfully taken into custody or impounded;
  - (c) keep a register in which the following particulars in respect of every impounded animal are recorded:
    - (i) the name of the authorised official or the name, residential address and telephone number of any other person who brought an animal to be impounded;
    - (ii) the time at which and date on which an animal was impounded;
    - (iii) the place where an animal was found immediately before it was taken into custody;
    - (iv) the date on which and the time at which an animal was taken into custody before being brought to the pound;
    - (v) the reason for impounding an animal;

- (vi) a description of an animal indicating the estimated age, breed, sex, colour, markings and any injury found in an animal when the poundmaster accepted it;
  - (vii) whether an animal was released, sold or destroyed and the date and time of such release, sale or destruction;
  - (viii) the amount of money realised in respect of such release or sale;
  - (iv) the amount of veterinary expenses, if any, incurred in respect of an animal;
- (d) ensure that the pound and all equipment used in connection with impounded animals are at all times kept in clean condition and free from flies and other vermin, to the satisfaction of the Council's official responsible for health matters.
  - (e) ensure that every animal in the pound is properly fed and cared for;
  - (f) isolate any deceased animal from the healthy animals, have such animal attended to by a veterinarian and take all steps to recover the expenses incurred in this regard from the owner if the identity and address of the owner are known; and
  - (g) take all necessary steps to have an animal destroyed as contemplated in section 18 and recover any expenses incurred in this regard from the owner if the identity and address of the owner are known.

## 27. Taking dogs into custody

- (1) An authorised official may, for the purpose of having a dog impounded, take into custody any dog which -
  - (a) is at large and apparently ownerless;
  - (b) suffers from a contagious disease;

## CHAPTER X IMPOUNDING OF ANIMALS

s28

---

- (c) is found in a public place and is not in control of a person;
  - (d) overturns, damages or tears any refuse receptacle or refuse bag;
  - (e) is being kept in contravention of the provisions of these By-laws; or
  - (f) enters any premises in an effort to escape being taken into custody.
- (2) Any person may on premises in which he or she is the owner or occupier take into custody any dog found trespassing on the property for the purpose of having it impounded;
- (3) Notwithstanding the provisions of subsection (1) and (2), no person may take any dog into custody for the purpose of having it impounded if there are reasonable grounds to believe that the dog is a female dog with unweaned young, unless such dog and unweaned young are taken into custody together.
- (4) Any person who has taken a dog into custody in terms of this section-
- (a) must ensure that the dog is not ill-treated;
  - (b) may, when the pound is closed, keep the dog in his or her custody until the pound re-opens.
- (5) No person may free any dog which has been taken into custody, or is being kept in custody, or which has been impounded, in terms of this Chapter.

**28. Claiming of impounded animals**

- (1) Any person may claim an impounded animal if he or she –
- (a) satisfies the poundmaster that he or she is the owner of an animal;
  - (b) satisfies the poundmaster that releasing an animal into his or her custody will not result in any provision of these By-laws being contravened.

## CHAPTER XI : MISCELLANEOUS

029-030

- (c) pays to the poundmaster the prescribed fees and the amount of veterinary expenses, if any, incurred in respect of an animal.
- (2) The poundmaster must, if the provisions of subsection (1) have been complied with, surrender an animal concerned to the person claiming it.

## 29. Destruction or sale of unclaimed animals

- 11\ If an impounded animal is not claimed by a person entitled thereto within 96 hours after an animal has been impounded, the poundmaster may in the manner prescribed in section 5(1) of the Animals Protection Act, 1962 (Act No. 71 of 1962), destroy such animal or cause it to be destroyed, or may sell such animal or cause it to be sold.
- (2) The poundmaster must where applicable have any unsterilised female animal sterilised before it is sold in terms of subsection (1) and must recover the costs incurred from the buyer.

## CHAPTER XI

## MISCELLANEOUS

## 30. Offences and penalties

- (1) Any person who-
  - (a) contravenes or fails to comply with any provisions of these by-laws; or
  - (b) fails to comply with any notice issued in terms of or for the purposes of these by-laws; or
  - (c) fails to comply with any lawful instruction given in terms of or for the purposes of these by-laws; or

## CHAPTER XI MISCELLANEOUS

,31

---

- (d) obstructs or hinders any authorised representative or employee of the Council in the execution of his or her duties under these by-laws,
  - (i) is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months and in the case of a continuing offence, to a further fine not exceeding R200, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been issued by the Council and served on the person concerned requiring the discontinuance of such offence.

**31. Serving of notices**

- (1) A notice, order or other document is regarded as having been properly served if-
  - (a) it has been delivered to the person concerned personally;
  - (b) it has been sent by registered post or speed post to the person to whom it is addressed at his or her last known address;
  - (c) it is served on a person apparently not less than 16 years of age and apparently in charge of the premises at the addressee's last known address;
  - (d) if the address of the person concerned in the Republic of South Africa is unknown, if it has been served on that person's agent or representative in the Republic of South Africa in the manner provided for in paragraph (a), (b) or (c);  
or
  - (e) if the address of the person concerned and of his or her agent or representative in the Republic of South Africa is unknown, if it has been posted in a conspicuous place on the premises to which it relates.

(2) A notice, order or other document which may in terms of these By-laws be served on the owner or occupier of premises may be addressed to the owner or occupier of the specified premises and need not bear the name of the owner or occupier.

32. Application to the State

These By-laws bind the State, including the Council.

33. Repeal

The By-laws listed in Schedule 1 are hereby repealed.

34. Short title

These By-laws are called the By-laws relating to the keeping of animals.

SCHEDULE 1

:	

FEBRUARY 2006

FINAL DRAFT



**FINAL** DRAFT

**FETAKGOMO LOCAL MUNICIPALITY**

**STREET TRADING BY-LAWS**

---

CHAPTER I:

s1

## TABLE OF CONTENTS

CHAPTER 1	,172
1. Application of By-laws	172
2. Interpretation of By-Laws	172
3. Meaning of words and expressions in Businesses Act incorporated in these By-laws .....	175
4. Single act constitutes street trading	175
5. Reference to legislation includes regulations made under that Legislation	176
6. Assigning powers of a Council employee to employee of a service provider, where a service provider has been appointed	<b>176</b>
7. Prohibited conduct...	176
8. Restricted conduct...	178
9. Cleanliness	180
10. Signs indicating restricted and prohibited areas	181
11. Removal and impoundment...	182
12. Vicarious responsibility of persons carrying on business	183
13. Offences and Penalties	184
14. Repeal of By-laws	184
15. Short title	184

## CHAPTER 1

s1-s2

---

The Municipal Manager of the Fetakgomo Local Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Street Trading By-laws for the Fetakgomo Local Municipality, as approved by its Council and as approved by the Premier: Limpopo Province in terms of section 6A of the Businesses Act, 1991 (Act No. 71 of 1991), as set out hereunder.

## CHAPTER 1

## 1. Application of By-laws

## (1) These By-laws apply-

- (a) Within the defined boundaries of the Fetakgomo Municipality.
- (b) In addition to any applicable national or provincial law.

## 2. Interpretation of By-Laws

## (1) In these by-laws, unless the context otherwise indicates-

- (a) "approval" means approval by the Council and "approved" has a corresponding meaning;
- (b) "authorised official" means any official of the Council who has been authorised by it to administer, implement and enforce the provisions of these By-laws;
- (c) "Council" means-
  - (i) the Fetakgomo Local Municipality established by Provincial Notice No. 278 of 2000 dated 1 October 2000, as amended, exercising its legislative and executive authority through its municipal Council; or

## CHAPTER I:

s2

- 
- (ii) its successor in title; or
  - (iii) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or
  - (iv) a service provider fulfilling a responsibility under these by-laws, assigned to it in terms of section 81 (2) of the Local Government: Municipal Systems Act, 2000, or any other law, as the case *may* be.
- (d) "Council services" means any system conducted *by* or on behalf of a Municipality, for the collection, conveyance, treatment or disposal of refuse, sewage, or storm water, or for the generation, impounding, storage or purification, or supply of water, gas or electricity, or municipal services;
  - (e) "Council service works" means all property or works of whatever nature necessary for or incidental to any Council services;
  - (f) "foodstuff" means foodstuff as defined in section 1 of the Foodstuff Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);
  - (g) "garden or park" means a garden or park to which the public has a right of access;
  - (h) "goods" means any movable property and includes a living thing;
  - (i) "intersection" means an intersection as defined in the regulations promulgated in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996);
  - (j) "litter" includes any receptacle, container or other matter, which has been discarded, abandoned or left behind by a ~~street~~ trader or *by* his or her customers;

## CHAPTER I

s2

---

- (k) "motor vehicle" means a motor vehicle as defined in section 1 of the National Road Traffic Act, 1996;
- (l) "prescribed" means determined by resolution of the Council from time to time;
- (m) "property", in relation to a street trader, means any article, container, vehicle or structure used or intended to be used in connection with such business, and includes goods in which he or she trades;
- (n) "public building" means a building belonging to or occupied solely by the State or the Council;
- (o) "public monument" means anyone of the public monuments and memorials" as defined in the National Heritage Resources Act, 1999 (Act No. 25 of 1999);
- (p) "public place" means a public place as defined in section 2 of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939);
- (q) "public road" means a public road as defined in section 1 of the National Road Traffic Act, 1996;
- (r) "roadway" means a roadway as defined in section 1 of the National Road Traffic Act, 1996;
- (s) "sell" includes
  - (i) barter, exchange or hire out;
  - (ii) display, expose, offer or prepare for sale;
  - (iii) store on a public road or public place with a view to sell; or (d) provide a service for reward; and
  - (iv) "sale" or "selling" has a corresponding meaning;

## CHAPTER I:

s3-s4

- 
- (t) "sidewalk" means a sidewalk as defined in section 1 of the National Road Traffic Act, 1996;
  - (u) "street furniture" means any furniture installed by the Council on the street for public use;
  - (v) "street trader" means a person who carries on the business of street trading and includes any employee of such person;
  - (w) "street trading" means the selling of any goods or the supplying or offering to supply of any service for reward, in a public road, or public place, by a street trader;
  - (x) "the Act" means the Businesses Act, 1991 {Act No. 71 of 1991} and includes the regulations promulgated under that Act; and
  - (y) "verge" means a verge as defined in section 1 of the National Road Traffic Act, 1996;

3. Meaning of words and expressions in Businesses Act incorporated in these By-laws

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

4. Single act constitutes street trading

For the purpose of these By-laws a single act of selling or offering or rendering of services in a public road or public place constitutes street trading.

## CHAPTER 1

s5-07

---

## 5. Reference to legislation includes regulations made under that Legislation

For the purpose of these By-laws a reference to any legislation shall be a reference to that legislation and the regulations promulgated under that legislation.

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

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

## 7. Prohibited conduct

## (1) No person may carry on the business of a street trader -

- (a) at a place or in an area declared by the Council in terms of section 6A(2)(a) of the Act as a place or area in which street trading is prohibited;
- (b) in a garden or a park to which the public has a right of access;
- (c) on a verge contiguous to -
  - (i) a building belonging to, or occupied solely by, the State or the Council;
  - (ii) a church or other place of worship;
  - (iii) a building declared to be a Public monument;
  - (iv) an automatic teller bank machine;

## CHAPTER I:

s7

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



## CHAPTER I

58

---

**8. Restricted conduct**

- (1) A person carrying on the business of a street trader -
  - (a) may not sleep overnight at the place of such business;
  - (b) may not erect any structure for the purpose of providing shelter, other than a device approved by the Council;
  - (c) may not place his or her property on a public road or public place, with the exception of his or her motor vehicle or trailer from which trade is conducted, and provided that such vehicle or trailer does not obstruct pedestrian and vehicular traffic movement, and complies with the provisions of the National Road Traffic Act, 1996;
  - (d) must ensure that his or her property or area of activity does not cover an area of a public road or public place which is greater in extent than six square metres (with a maximum length of three metres) or unless otherwise approved by the Council, and which on any sidewalk leaves an unobstructed space for pedestrian traffic, the length of the property or area of activity, and not less than 1,5 metres wide, measured from any contiguous building to the obstructed area, and an unobstructed space, the length of the property or area of activity, and not less than 0,5 metres wide, measured from the kerb of the roadway;
  - (e) may not trade on a sidewalk where the width of such sidewalk is less than four metres;
  - (f) may not place or stack his or her property in such a manner that it constitutes a danger to any person or property, or is likely to injure any person or cause damage to any property;
  - (g) may not display his or her goods or other property on or in a building, without the consent of the owner, lawful occupier, or person in control of such building or property;

- 
- (h) must on a request by an authorised official of the Council, or supplier of telecommunication or electricity or other council services, move his or her property so as to permit the carrying out of any work in relation to a public road, public place or any such service;
  - (i) may not attach any of his or her property by any means to any building, structure, pavement, tree, parking meter, lamp, pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or public place;
    - (ii) may not carry on such business in such a manner as to
    - (iii) create a nuisance;
    - (iv) damage or deface the surface of any public road or public place, or any public or private property; or
    - (v) create a traffic and/or health hazard, or health risk, or both.
  - (i) may not make an open fire on a public road or public place;
  - (j) may not interfere with the ability of a person using a sidewalk to view the goods displayed behind a shop display window, or obscure such goods from view.
  - (k) may not obstruct access to a pedestrian crossing, a parking or loading bay or other facility for vehicular or pedestrian traffic;
  - (l) may not obstruct access to, or the use of, street furniture and any other facility designed for the use of the general public;
  - (m) may not obscure any road traffic sign displayed in terms of the National Road Traffic Act, 1996, or any marking, notice or sign displayed or made in terms of these By-laws;

## CHAPTER I

s9

---

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

**9. Cleanliness**

- (1) A street trader must -
  - (a) Keep the area or site occupied by him or her for the purposes of such business in a clean and sanitary condition;
  - (b) Keep his or her property in a clean, sanitary and well maintained condition;

## CHAPTER I:

sID

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

10. Signs indicating restricted and prohibited areas.

- (1) The Council may, by resolution and in terms of section 6A(2) of the Act, declare any place in its area of jurisdiction to be an area in which street trading is restricted or prohibited, and must, to enable compliance therewith, prescribe or make signs, markings or other devices indicating-
  - (i) specified hours, places, goods or services in respect of which street trading is restricted or prohibited;
  - (ii) the locations of boundaries of restricted or prohibited areas;
  - (iii) the boundaries of a stand or area set apart for the purposes of the carrying on of the business of street trading;

## CHAPTER I

sII

---

- (iv) the fact that any such stand or area has been let or otherwise allocated; and
  - (v) any restriction or prohibition against street trading in terms of these By-laws.
- (b) The Council may display any such sign, marking or device in such a position and manner as will indicate any restriction or prohibition and or the location or boundaries of the area or stand concerned;
- (c) Any sign erected in terms of these By-laws or any other law, shall serve as sufficient notice to a street trader of the prohibition or restriction of the area concerned; and
- (d) Any sign may be amended from time to time and displayed by the Council for the purpose of these By-laws, and shall have the same effect as a road sign in terms of the National Road Traffic Act, 1996.

**11. Removal and impoundment**

- (1) An authorised official may remove and impound any property of a street trader-
  - (a) which he or she reasonably suspects is being used or which intended to be used or has been used in or in connection with street trading;
  - (b) which he or she finds at a place where street trading is restricted or prohibited and which, constitutes an infringement of any such restriction or prohibition; and
  - (c) whether or not such property is in possession or under the control of any person at the time of such removal or impoundment.

**CHAPTER 1:**

s12

- 
- (2) Any authorised official acting in terms of subsection 1 above must, except where goods have been left or abandoned, issue to the person carrying on the business of a street trader, a receipt for any property so removed and impounded, which receipt must-
- (i) itemise the property to be removed and impounded;
  - (ii) provide the address where the impounded property will be kept, and the period thereof;
  - (iii) state the conditions for the release of the impounded property;
  - (iv) state the terms and conditions relating to the sale of unclaimed property by public auction; and
  - (v) provide the name and address of a council official to whom any representations regarding the impoundment may be made, and the date and time by which this must be done.
- (3) If any property about to be impounded is attached to any immovable property or a structure, and such property is under the apparent control of a person present at the immovable property or structure, any authorised official of the Council may order such person to remove the property, and if such person refuses or fails to comply, he or she will be guilty of an offence.
- (4) When any person fails to comply with an order to remove the property referred to in subsection (3), any authorised official of the Council may take such steps as may be necessary to remove such property.

**12. Vicarious responsibility of persons carrying on business**

- (1) When an employee of a street trader contravenes a provision of these By-laws the employer may be deemed to have committed such contravention him or herself unless such employee satisfies the court that-

## CHAPTER I

513-.15

---

- (a) he or she neither connived at nor permitted such contravention; and
  - (b) he or she took reasonable steps to prevent such contravention.
- (2) The fact that the employer issued instructions prohibiting such contravention, shall not in itself constitute sufficient proof of such reasonable steps.

## 13. Offences and Penalties

- (1) Any person who-
- (a) contravenes or fails to comply with any provision of these By-laws;
  - (b) fails to comply with any notice issued in terms of these By-laws;
  - (c) fails to comply with any lawful instruction given in terms of these By-laws; or
  - (d) who obstructs or hinders any authorised representative of the Council in the execution of his or her duties under these By-laws -

is guilty of an offence and liable on conviction to a fine or in default of payment, to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R 200.00. or in default of payment. to imprisonment not exceeding one day. for every day during the continuance of such offence, after a **written** notice has been issued by the Council, and served on the person concerned, requesting the discontinuance of such offence.

## 14. Repeal of By-laws

The By-laws listed in Schedule 1 are hereby repealed.

## 15. Short title

These By-laws are called the Street Trading By-laws, 2006.

CHAPTER I:

s15

---

**SCHEDULE 1**


**FEBRUARY 2006****FINAL DRAFT**



**FETAKGOMO LOCAL MUNICIPALITY  
LAND USE MANAGEMENT BY-LAWS**

**CHAPTER I: APPLICATION AND INTERPRETATION OF BY-LAWS**

51

**TABLE OF CONTENTS**

<b>CHAPTER I</b>	<b>189</b>
<b>APPLICATION AND INTERPRETATION OF BY-LAWS</b>	<b>189</b>
1. Application of By-laws	<b>189</b>
2. Interpretation of By-laws	<b>189</b>
<b>CHAPTER II</b>	<b>193</b>
<b>DIRECTIVE PRINCIPLES</b>	<b>193</b>
3. Principle of sustainability	<b>193</b>
4. The principle of equality	<b>194</b>
5. Principle of efficiency	<b>195</b>
6. Principle of integration	<b>195</b>
7. Principle of fair and good governance	<b>196</b>
8. Legal status	<b>197</b>
<b>CHAPTER III</b>	<b>197</b>
<b>LAND USE SCHEMES</b>	<b>197</b>
9. Contents	<b>197</b>
10. Promulgation	<b>199</b>
11. Enforcement	<b>199</b>
<b>CHAPTER IV</b>	<b>200</b>
<b>LAND USE REGULATIONS</b>	<b>200</b>
12. Change in land use	<b>200</b>
13. Lodging of land use applications	<b>200</b>
14. Appeals	<b>201</b>
15. Procedures to be followed by the municipality	<b>201</b>
16. Investigations by the municipality	<b>202</b>
17. Public hearings by the municipality	<b>202</b>

## CHAPTER I APPLICATION AND INTERPRETATION OF BY-LAWS

s1

---

18. Composition of land use committees or advisory committees	204
19. Operating procedures	204
20. Quorum and decisions	205
21. Remuneration and allowances	205
22. Technical advisors	205
23. Land use applications affecting traditional authorities	205
24. Participation in committee proceedings	206
<b>CHAPTER V</b>	206
25. Repeal of laws	206
26. Short Title	206

## CHAPTER I: APPLICATION AND INTERPRETATION OF BY-LAWS

51-52

The Municipal Manager of the Fetakgomo Local Municipality hereby, in terms of section 13(a) of the Local Government: Municipality Systems Act, 2000 (Act No. 32 of 2000), publishes the Land Use By-laws for the Fetakgomo Local Municipality as approved by its Council, as set out below.

## CHAPTER I

## APPLICATION AND INTERPRETATION OF BY-LAWS

**1. Application of By-laws**

- (1) These By-laws apply-
  - (a) within the defined boundaries of the Fetakgomo Local Municipality.
  - (b) in addition to any applicable national or provincial law.

**2. Interpretation of By-laws**

- (1) Unless the context indicates otherwise-
  - (a) "change" -
    - (i) in relation to the use of any piece of land in respect of which-
      - (aa) a land use scheme applies, means to use that land otherwise than in accordance with the land use scheme;
      - (bb) a town planning scheme applies, means to use that land otherwise than in accordance with the town planning scheme;

## CHAPTER I: APPLICATION AND INTERPRETATION OF BY-LAWS

52

---

- (cc) neither a land use scheme nor a town planning scheme applies, means to use that land for a scheduled purpose for which it is not currently used; or
  - (dd) a restrictive condition applies, means to use that land otherwise than in accordance with the restrictive condition; and
- (ii) includes any act that aids, facilitates or enables any such change in the use of the land, including -
  - (aa) to divide, consolidate or otherwise survey the land for the purpose of the change; or
  - (bb) to develop, improve or prepare that land for the purpose of the change;
- (b) **"Council"** means –
  - (i) the Fetakgomo Local Municipality established by Provincial Notice No, 278 of 2000 dated 1 October 2000, as amended, exercising its legislative and executive authority through its Municipal Council;
  - (ii) its successor; or
  - (iii) a structure or person exercising a delegated power or carrying out an instruction where any power in these by-laws, has been delegated or sub-delegated or an instruction given as contemplated in, section 59 of the Local Government: Municipal Systems Act, 2000; or
  - (iv) a service provider fulfilling a responsibility under these by-laws assigned to in terms of section 81 (2) of the Local Government, Municipal Systems Act, 2000 or any other law as the case may be.
- (c) **"Directive Principles"** means the principles set out in sections 2 to 7;

- 
- (d) "land use application" means an application in terms of section 13 for approval-
- (i) to change the use of land; or
  - (ii) to remove, alter or suspend a restrictive condition;
- (e) "land use management" means establishing or implementing any statutory or non-statutory mechanism in terms of which the unencumbered use of land is or may be restricted or in any other way regulated;
- (f) "land use scheme", in relation to an area, means a scheme which-
- (i) regulates the use of land in the area;
  - (ii) records the permissible use of each piece of land in the area; and
  - (iii) complies with section 9;
- (g) "local community". in relation to a municipality, means the same as in the Municipal Systems Act;
- (h) "municipality" means the Fetakgomo Local Municipality;
- (i) "municipal area" means the area under the jurisdiction and control of the municipality;
- (j) "municipal manager" means the person appointed as municipal manager in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) and includes any person acting in that position or to whom authority has been delegated.
- (k) "Municipal Structures Act" means the Local Government: Municipal Structures Act (Act No. 117 of 1998);

## CHAPTER I : APPLICATION AND INTERPRETATION OF BY-LAWS

s2

---

- (l) "Municipal Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);
- (m) "objector" means a person who has lodged with the municipality or a Land Use Tribunal an objection to a land use application before the municipality or Tribunal;
- (n) "prescribe" means a policy approved by Council and published in the Provincial Gazette;
- (o) "provincial legislation means-
  - (i) a provincial Act;
  - (ii) subordinate legislation made in terms of a provincial Act; or
  - (iii) legislation that was in force when the Constitution took effect and that is administered by a provincial government;
- (p) "rates" means a municipal rate on property levied in terms of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), or any prior law.
- (q) "restrictive condition" -
  - (i) means any condition or servitude registered against the title deed of land-
    - (aa) restricting or preventing the subdivision of the land;
    - (bb) restricting the purposes for which the land may be used; or
    - (ee) imposing any requirements or restrictions in connection with the use of the land, including the development of the land; and
  - (ii) excludes any condition of title affecting rights to minerals;

- 
- (r) **"town planning scheme"** means a town planning scheme, zoning scheme or similar instrument regulating the use of land in terms of legislation passed before the promulgation of these By-laws.

## CHAPTER II

### DIRECTIVE PRINCIPLES

- (2) The general principle is that spatial planning, land use management and land development must be -
- (a) sustainable;
  - (b) equal;
  - (c) efficient;
  - (d) integrated;
  - (e) undertaken in consultation with traditional leadership; and
  - (f) based on fair and good governance.

### 3. Principle of sustainability

- (1) The principle of sustainability means the sustainable management and use of the resources making up the natural and built environment, and includes the following norms:
- (a) Land may be used or developed only in accordance with the law.
  - (b) The general interest as reflected in national, provincial and local policies should *enjoy* preference over private interests in spatial planning, land use management and land development processes and decisions.



## CHAPTER 11 DIRECTIVE PRINCIPLES

54

---

- (c) Disaster management, including prevention and mitigation, should be an integral part of all spatial planning, land use management and land development and a primary concern in all land use management decisions.
- (d) The protection of natural, environmental and cultural resources should be a primary aim in all spatial planning, land use management and land development processes and decisions.
- (e) Land use for agricultural purposes may only be reallocated to another use where real need exists. and prime agricultural land should as far as possible remain available for production.

**4. The principle of equality**

- (1) The principle of equality means that everyone affected by spatial planning, land use management and land development processes and decisions should enjoy equal protection and benefits and that no one should be subjected to unfair discrimination, and includes the following norms:
  - (a) Public involvement in spatial planning, land use management and land development processes and decisions should be inclusive of all persons and communities with an interest in the matter being decided.
  - (b) The Municipality must ensure that previously disadvantaged communities and areas share in the benefits and opportunities flowing from land development.
  - (c) Land use management decisions must be determined taking into account its impact on society as a whole rather than only the narrow interests of those affected.

## 5. Principle of efficiency

- (1) The principle of efficiency means that the desired result should be achieved with the minimum consumption of resources, and includes the following norms:
  - (a) Spatial planning, land use management and land development processes and decisions must promote the development of compact human settlements, and low intensity urban sprawl must be combated.
  - (b) The areas in which people live and work must be close to each other.
  - (c) Spatial planning, land use management and land development processes and decisions of contiguous municipalities and provinces should relate positively to each other.

## 6. Principle of integration

- (1) The principle of integration, means that the separate and diverse elements involved in spatial planning, land use management and land development should be combined and co-ordinated into a more complete or harmonious whole, and includes the following norms:
  - (a) Spatial planning, land use management and land development processes and decisions must be co-ordinated and aligned with the policies of other organs of state.
  - (b) Spatial planning, land use management and land development processes and decisions must promote efficient, functional and integrated settlements.
  - (c) Spatial planning, land use management and land development decisions must be guided by the availability of appropriate services and infrastructure, including transportation infrastructure.

## CHAPTER II DIRECTIVE PRINCIPLES

57-50

---

- (d) Spatial planning, land use management and land development processes and decisions must promote racial integration.
- (e) Spatial planning, land use management and land development processes and decisions must promote mixed land use development.

**7. Principle of fair and good governance**

- (1) The principle of fair and good governance, means that spatial planning, land use management and land development should be democratic, participatory and legitimate in nature, and includes the following norms:
  - (a) Spatial planning, land use management and land development processes and decisions must be lawful, reasonable and procedurally fair.
  - (b) Everyone whose rights are adversely affected by spatial planning, land use and development decisions has a right to be given written reasons.
  - (c) Capacities of affected communities should be enhanced to enable them to comprehend and participate meaningfully in spatial planning, land use management and land development processes affecting them.
  - (d) Forums at which land use management and land development decisions are taken should be open to the public.
  - (e) The names and contact details of officials with whom the public should communicate in matters relating to spatial planning, land use management and land development must be publicised.
  - (f) Spatial planning, land use management and land development decisions must be taken within pre-determined time frames.

---

## 8. Legal status

The Directive Principles bind the state.

## CHAPTER III

### LAND USE SCHEMES

- (1) The Municipality must adopt a land use scheme for the whole of its area.
- (2) A land use scheme adopted in terms of subsection (1) above supersedes all town planning schemes within the municipal area in which the land use scheme applies.

## 9. Contents

- (1) A land use scheme of the Municipality-
  - (a) must be consistent with and give effect to-
    - (i) the directive principles;
    - (ii) any national land use framework applicable in the area of the Municipality;
    - (iii) Its spatial development framework; and
    - (iv) any national and provincial plans and planning legislation; and
  - (b) must determine the purpose for which each piece of land in the municipal area in which the scheme applies may be used and the conditions applicable to each purpose, and may include conditions relating to-
    - (i) densities and intensities of use;

## CHAPTER III LAND USE SCHEMES

s9

---

- (ii) the type, extent and scale of buildings and structures that may be erected, including maximum coverage, height and floor area ratio and other building restrictions;
    - (iii) the layout of buildings and structures, including in relation to site boundaries; and
    - (iv) parking ratios.
  - (c) the Municipality must involve the local community in the drafting and adoption of its land use scheme; and
  - (d) before it adopts the scheme, assess the environmental impact of the land use scheme in accordance with section 24 of the National Environmental Management Act, 1998 (Act 107 of 1998).
- (2) When applying Chapter IV of the Municipal Systems Act the Municipality must at least-
- (a) open the draft land use scheme for public inspection; and
  - (b) publish a notice in one or more newspapers circulating in the area of the Municipality which -
    - (i) specifies the place or places where and the hours within which, the draft land use scheme is available for public inspection; and
    - (ii) invites the local community and other interested persons to submit representations or objections in connection with the proposed land use scheme to the municipal manager before a date specified in the notice, which date may not be earlier than 21 days from the date of publication of the notice.

- 
- (3) Traditional authorities that traditionally observe a system of customary law in the area of the Municipality may in accordance with section 81 of the Municipal Structures Act participate in the drafting and adoption of the Municipality's land use scheme to the extent that the scheme affects land under their jurisdiction.

## **10. Promulgation**

- (1) Once the land use scheme has been adopted by the council of the municipality, the municipal manager must -
- (a) give notice of such adoption in the Provincial Gazette;
  - (b) in that notice state that the adopted scheme is available for public inspection during office hours at the place indicated in the notice;
  - (c) keep the adopted scheme at the indicated place which must be accessible to the public; and
  - (d) allow the public access to the adopted scheme during office hours.
- (2) The land use scheme shall have the force of law and shall bind the owners of land to which the scheme applies, including any other person having a right or interest in that land,

## **11. Enforcement**

- (1) The municipality may apply to a court for an order -
- (a) interdicting any person from using a piece of land in contravention of its land use scheme;
  - (b) sanctioning the demolition of any structures erected on a piece of land in contravention of the land use scheme, without any obligation on the municipality or the person carrying out the demolition to pay compensation; or

## CHAPTER IV : LAND USE REGULATIONS

512-513

---

- (c) giving any other appropriate remedy.
- (2) The municipality may designate councillors or officials of the municipality or other persons to investigate any transgressions of the land use scheme.
- (3) A designated councillor, official or other person may, for the purposes of such investigations, at all reasonable hours gain entry to any piece of land within the municipality and inspect the land or any structures or operations on the land and has all the powers of a peace officer in terms of the Criminal Procedure Act (Act No. 51 of 1977).
- (4) The municipality may from time to time revise its land use scheme and replace its existing scheme with the revised scheme.
- (5) If the municipality approves any application to change the use of any piece of land, then the municipality must effect amendments to its land use scheme to give effect to the approval.

**CHAPTER IV****LAND USE REGULATIONS****12. Change in land use**

No person may change the use of a piece of land without the approval of the municipality.

**13. Lodging of land use applications**

- (1) Any person who wants to apply for approval to change the use of any piece of land, must lodge an application for such approval on the prescribed form.
- (2) If the municipality is of the opinion that the application has been lodged with it contrary to the provisions of subsection (1), the municipality must-

- (a) consult the municipality or the land use tribunal with whom the application should have been lodge; and
  - (b) if the other municipality or the tribunal agrees that the application has been incorrectly lodged, redirect the application to the other municipality or the tribunal.
- (3) The municipality must decide land use applications without delay.

#### 14. Appeals

- (1) An applicant who feels aggrieved by the decision of the municipality with regard to the applicant's application, or any objector whose rights are affected by the decision of the municipality with regard to a land use application, may lodge an appeal with an Appeal Tribunal against such a decision.
- (2) The municipality may grant a land use application on such conditions as it may determine.
- (3) Such conditions must include a condition that if the permitted use of the land is not utilised within five (5) years after the date the municipality has granted the application, the permitted use of the land reverts back to what it was immediately before that date.
- (4) The municipality may on good cause shown, extend the period of five (5) years referred to in subsection (3) for a further period not exceeding three (3) years.

#### 15. Procedures to be followed by the municipality

- (1) The municipality may follow any procedure that is necessary or expedient in the circumstances to effectively and expeditiously decide a land use application, including-
  - (a) conducting an investigation;



## CHAPTER IV: LAND USE REGULATIONS

516-517

---

- (b) holding a public hearing;
  - (c) acquiring information by way of written statements; and
  - (d) any other procedure that may be prescribed.
- (2) Before the municipality approves a land use application, the municipality must assess the environmental impact of any change in the permitted use of land.

**16. Investigations by the municipality**

- (1) The municipality may conduct an investigation itself or designate one or more of its members or other persons to conduct the investigation on its behalf.
- (2) The municipality may -
  - (a) at all reasonable hours gain entry to a piece of land which is -
    - (i) the subject of a land use application; or
    - (ii) relevant to the consideration of a land use application; and
  - (b) conduct on that land such inspections and make such enquiries as are necessary for the purpose of the investigation.
- (3) If an investigation is conducted by one or more members or other persons, such member or other persons must on completion of the investigation, submit a written report on the investigation and findings to the municipality.

**17. Public hearings by the municipality**

- (1) The municipality may hold a public hearing itself or designate one or more of its members or other persons to hold a public hearing on its behalf.

## CHAPTER IV LAND USE REGULATIONS

s17

- 
- (2) For the purposes of a public hearing, the municipality or person or persons holding the public hearing may –
- (a) by written notice summon a person to appear before the municipality -
    - (i) to give evidence; or
    - (ii) to produce a document available to that person and specified in the summons;
  - (b) call a person present at the public hearing, whether summoned or not-
    - (i) to give evidence; or
    - (ii) to produce a document in that person's custody;
  - (c) have an oath or solemn affirmation administered to that person;
  - (d) question that person or have such a person questioned by a designated person; and
  - (e) retain for a reasonable period a document produced by that person.
- (3) If the public hearing is held by one or more members or other persons designated by the municipality, they must on completion of the hearing, submit a written report on the hearing and their findings to the municipality.
- (4) The municipality must consider and decide all land use applications lodged with it or referred to it.
- (5) If the municipality elects to consider and decide all land use applications itself, it must appoint a land use committee or advisory committee which must-
- (a) process all applications; and
  - (b) advise and make recommendations to the council on all such applications before the council decides the application.

## CHAPTER IV: LAND USE REGULATIONS

s18-50

---

**18. Composition of land use committees or advisory committees**

- (1) A land use committee must consist of--
  - (a) a chairperson, who must be a councillor of the municipality;
  - (b) additional councillors of the municipality; and
  - (c) no fewer than two (2) and no more than three (3) other persons (which may consist of or include staff members of the municipality) having appropriate qualifications or experience in land use regulation, development planning, the law or environmental management.
- (2) A land use advisory committee must consist of--
  - (a) a chairperson, who must be a senior staff member of the municipality; and
  - (b) no fewer than three (3) and no more than four (4) other persons (which may consist of or include staff members) having appropriate qualifications or experience in land use regulation, development planning, the law or environmental management.
- (3) The members of the land use committee or advisory committee shall hold office at the discretion of the council.

**19. Operating procedures**

- (1) The council of the municipality must by resolution determine the operating procedures of its land use committees or advisory committee.
- (2) A land use committee or advisory committee must keep a record of its proceedings.

---

20. Quorum and decisions

- (1) The majority of all the members of a land use committee or advisory committee constitutes a quorum for a meeting of the committee.
- (2) A matter before a committee is decided by the votes of the majority of the members present at the meeting.
- (3) If on any matter before a committee there is an equality of votes, the member presiding at the meeting must exercise a casting vote in addition to that member's vote as a member.

21. Remuneration and allowances

Members of the land use committee or advisory committee who are not councillors or staff members of the municipality may be compensated in accordance with applicable treasury norms and standards.

22. Technical advisors

- (1) A land use committee or advisory committee may, as and when needed for a specific land use application, co-opt technical advisors from within or outside the municipality to be present and to speak at meetings of the committee.
- (2) A technical advisor co-opted by a land use committee or advisory committee is not a member of the committee and has no voting rights in the committee.
- (3) A person co-opted as a technical advisor who is not an employee of the municipality may be remunerated in accordance with the applicable treasury norms and standards.

23. Land use applications affecting traditional authorities

- (1) Participation in council proceedings

## CHAPTER V: LAND USE REGULATIONS

524-526

---

- (a) Traditional authorities that traditionally observe a system of customary law in the area of the municipality may participate in the proceedings of the council of the municipality when the council considers any land use applications affecting land under the jurisdiction of these traditional authorities.

**24. Participation in committee proceedings**

- (1) Traditional authorities that traditionally observe a system of customary law in the area of the municipality may designate a person chosen by them, to participate in the proceedings of the land use committee or advisory committee of the municipality when the committee considers a land use application affecting land under the jurisdiction of the traditional authorities.
- (2) A person designated in terms of subsection (1) acts as a full member of the committee with voting rights when the committee considers and decides such application.

## CHAPTER V

**25. Repeal of laws**

The By-laws listed in Schedule 1 are hereby repealed.

**26. Short Title**

These By-laws are called the Land Use Management By-laws, 2006 and come into effect on a date to be determined by the Council by proclamation in the Provincial Gazette.

## CHAPTER V : LAND USE REGULATIONS

526

---

**SCHEDULE 1**


**FEBRUARY 2006**

FINAL DRAFT

**FETAKGOMO LOCAL MUNICIPALITY  
LAND USE MANAGEMENT BY-LAWS**

## CHAPTER J . APPLICATION AND INTERPRETATION OF BY-LAWS

s1

**TABLE OF CONTENTS**

<b>CHAPTER I</b>	211
<b>APPLICATION AND INTERPRETATION OF BY-LAWS</b>	211
1. Application of By-laws	211
2. Interpretation of By-laws	211
<b>CHAPTER II</b>	215
<b>DIRECTIVE PRINCIPLES</b>	215
3. Principle of sustainability	215
4. The principle of equality	216
5. Principle of efficiency	217
6. Principle of integration	217
7. Principle of fair and good governance	218
8. Legal status	219
<b>CHAPTER III</b>	219
<b>LAND USE SCHEMES</b>	219
9. Contents	219
10. Promulgation	221
11. Enforcement	221
<b>CHAPTER IV</b>	222
<b>LAND USE REGULATIONS</b>	222
12. Change in land use	222
13. Lodging of land use applications	222
14. Appeals	223
15. Procedures to be followed by the municipality	223
16. Investigations by the municipality	224
17. Public hearings by the municipality	224



## CHAPTER I : APPLICATION AND INTERPRETATION OF BY-LAWS

51

---

18. Composition of land use committees or advisory committees	226
19. Operating procedures	226
20. Quorum and decisions	227
21. Remuneration and allowances	227
22. Technical advisors	227
23. Land use applications affecting traditional authorities	227
24. Participation in committee proceedings	228

<b>CHAPTER V</b>	<b>228</b>
------------------	------------

25. Repeal of laws	228
26. Short Title	" 228

## CHAPTER I APPLICATION AND INTERPRETATION OF BY-LAWS

s1-s2

The Municipal Manager of the Fetakgomo Local Municipality hereby, in terms of section 13(a) of the Local Government: Municipality Systems Act, 2000 (Act No. 32 of 2000), publishes the Land Use By-laws for the Fetakgomo Local Municipality as approved by its Council, as set out below.

## CHAPTER I

## APPLICATION AND INTERPRETATION OF BY-LAWS

## 1. Application of By-laws

- (1) These By-laws apply -
  - (a) within the defined boundaries of the Fetakgomo Local Municipality.
  - (b) in addition to any applicable national or provincial law.

## 2. Interpretation of By-laws

- (1) Unless the context indicates otherwise-
  - (a) **"change"** -
    - (i) in relation to the use of any piece of land in respect of which-
      - (aa) a land use scheme applies, means to use that land otherwise than in accordance with the land use scheme;
      - (bb) a town planning scheme applies, means to use that land otherwise than in accordance with the town planning scheme;

## CHAPTER I APPLICATION AND INTERPRETATION OF BY-LAWS

s2

---

- (cc) neither a land use scheme nor a town planning scheme applies, means to use that land for a scheduled purpose for which it is not currently used; or
  - (dd) a restrictive condition applies, means to use that land otherwise than in accordance with the restrictive condition; and
- (ii) includes any act that aids, facilitates or enables any such change in the use of the land, including-
  - (aa) to divide, consolidate or otherwise survey the land for the purpose of the change; or
  - (bb) to develop, improve or prepare that land for the purpose of the change;
- (b) "Council" means -
  - (i) the Fetakgomo Local Municipality established by Provincial Notice No. 278 of 2000 dated 1 October 2000, as amended, exercising its legislative and executive authority through its Municipal Council;
  - (ii) its successor; or
  - (iii) a structure or person exercising a delegated power or carrying out an instruction where any power in these by-laws, has been delegated or sub-delegated or an instruction given as contemplated in, section 59 of the Local Government: Municipal Systems Act, 2000; or
  - (iv) a service provider fulfilling a responsibility under these by-laws assigned to in terms of section 81 (2) of the Local Government, Municipal Systems Act, 2000 or any other law as the case may be.
- (c) "Directive Principles" means the principles set out in sections 2 to 7;

- 
- (d) "land use application" means an application in terms of section 13 for approval-
- (i) to change the use of land; or
  - (ii) to remove, alter or suspend a restrictive condition;
- (e) "land use management" means establishing or implementing any statutory or non-statutory mechanism in terms of which the unencumbered use of land is or may be restricted or in any other way regulated;
- (f) "land use scheme", in relation to an area, means a scheme which -
- (i) regulates the use of land in the area;
  - (ii) records the permissible use of each piece of land in the area; and
  - (iii) complies with section 9;
- (g) "local community", in relation to a municipality, means the same as in the Municipal Systems Act;
- (h) "municipality" means the Fetakgomo Local Municipality;
- (i) "municipal area" means the area under the jurisdiction and control of the municipality;
- (j) "municipal manager" means the person appointed as municipal manager in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) and includes any person acting in that position or to whom authority has been delegated.
- (k) "Municipal Structures Act" means the Local Government: Municipal Structures Act (Act No. 117 of 1998);

## CHAPTER I. APPLICATION AND INTERPRETATION OF BY-LAWS

52

---

- (l) "Municipal Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);
- (m) "objector" means a person who has lodged with the municipality or a Land Use Tribunal an objection to a land use application before the municipality or Tribunal;
- (n) "prescribe" means a policy approved by Council and published in the Provincial Gazette;
- (o) "provincial legislation means-
  - (i) a provincial Act;
  - (ii) subordinate legislation made in terms of a provincial Act; or
  - (iii) legislation that was in force when the Constitution took effect and that is administered by a provincial government;
- (p) "rates" means a municipal rate on property levied in terms of the Local Government: Municipal Property Rates Act, 2004 (Act NO.6 of 2004), or any prior law.
- (q) "restrictive condition" -
  - (i) means any condition or servitude registered against the title deed of land-
    - (aa) restricting or preventing the subdivision of the land;
    - (bb) restricting the purposes for which the land may be used; or
    - (cc) imposing any requirements or restrictions in connection with the use of the land, including the development of the land; and
  - (ii) excludes any condition of title affecting rights to minerals;

- 
- (r) "town planning scheme" means a town planning scheme, zoning scheme or similar instrument regulating the use of land in terms of legislation passed before the promulgation of these By-laws.

## CHAPTER II

### DIRECTIVE PRINCIPLES

- (2) The general principle is that spatial planning, land use management and land development must be -
- (a) sustainable;
  - (b) equal;
  - (c) efficient;
  - (d) integrated;
  - (e) undertaken in consultation with traditional leadership; and
  - (f) based on fair and good governance.

### 3. Principle of sustainability

- (1) The principle of sustainability means the sustainable management and use of the resources making up the natural and built environment, and includes the following norms:
- (a) Land may be used or developed only in accordance with the law.
  - (b) The general interest as reflected in national, provincial and local policies should enjoy preference over private interests in spatial planning, land use management and land development processes and decisions.

## CHAPTER VI : DIRECTIVE PRINCIPLES

54

---

- (C) Disaster management, including prevention and mitigation, should be an integral part of all spatial planning, land use management and land development and a primary concern in all land use management decisions.
- (d) The protection of natural, environmental and cultural resources should be a primary aim in all spatial planning, land use management and land development processes and decisions.
- (e) Land use for agricultural purposes may only be reallocated to another use where real need exists, and prime agricultural land should as far as possible remain available for production.

#### 4. The **principle of equality**

- (1) The principle of equality means that *everyone* affected by spatial planning, land use management and land development processes and decisions should enjoy equal protection and benefits and that no one should be subjected to unfair discrimination, and includes the following norms:
  - (a) Public involvement in spatial planning, land use management and land development processes and decisions should be inclusive of all persons and communities with an interest in the matter being decided.
  - (b) The Municipality must ensure that previously disadvantaged communities and areas share in the benefits and opportunities flowing from land development.
  - (c) Land use management decisions must be determined taking into account its impact on society as a whole rather than only the narrow interests of those affected.

## 5. Principle of efficiency

- (1) The principle of efficiency means that the desired result should be achieved with the minimum consumption of resources, and includes the following norms:
  - (a) Spatial planning, land use management and land development processes and decisions must promote the development of compact human settlements, and low intensity urban sprawl must be combated.
  - (b) The areas in which people live and work must be close to each other.
  - (c) Spatial planning, land use management and land development processes and decisions of contiguous municipalities and provinces should relate positively to each other

## 6. Principle of integration

- (1) The principle of integration, means that the separate and diverse elements involved in spatial planning, land use management and land development should be combined and co-ordinated into a more complete or harmonious whole, and includes the following norms:
  - (a) Spatial planning, land use management and land development processes and decisions must be co-ordinated and aligned with the policies of other organs of state.
  - (b) Spatial planning, land use management and land development processes and decisions must promote efficient, functional and integrated settlements.
  - (c) Spatial planning, land use management and land development decisions must be guided by the availability of appropriate services and infrastructure, including transportation infrastructure.



## CHAPTER II : DIRECTIVE PRINCIPLES

s7-s0

---

- (d) Spatial planning, land use management and land development processes and decisions must promote racial integration.
- (e) Spatial planning, land use management and land development processes and decisions must promote mixed land use development.

**7. Principle offair and good governance**

- (1) The principle of fair and good governance, means that spatial planning, land use management and land development should be democratic, participatory and legitimate in nature, and includes the following norms:
  - (a) Spatial planning, land use management and land development processes and decisions must be lawful, reasonable and procedurally fair,
  - (b) Everyone whose rights are adversely affected by spatial planning, land use and development decisions has a right to be given written reasons.
  - (c) Capacities of affected communities should be enhanced to enable them to comprehend and participate meaningfully in spatial planning, land use management and land development processes affecting them.
  - (d) Forums at which land use management and land development decisions are taken should be open to the public.
  - (e) The names and contact details of officials with whom the public should communicate in matters relating to spatial planning, land use management and land development must be publicised.
  - (f) Spatial planning, land use management and land development decisions must be taken within pre-determined time frames.

---

## 8. Legal status

The Directive Principles bind the state.

## CHAPTER III

### LAND USE SCHEMES

- (1) The Municipality must adopt a land use scheme for the whole of its area.
- (2) A land use scheme adopted in terms of subsection (1) above supersedes all town planning schemes within the municipal area in which the land use scheme applies.

## 9. Contents

- (1) A land use scheme of the Municipality-
  - (a) must be consistent with and give effect to-
    - (i) the directive principles;
    - (ii) any national land use framework applicable in the area of the Municipality;
    - (iii) Its spatial development framework; and
    - (iv) any national and provincial plans and planning legislation; and
  - (b) must determine the purpose for which each piece of land in the municipal area in which the scheme applies may be used and the conditions applicable to each purpose, and may include conditions relating to-
    - (i) densities and intensities of use;

## CHAPTER II\ : LAND USE SCHEMES

s9

---

- (ii) the type, extent and scale of buildings and structures that may be erected, including maximum coverage, height and floor area ratio and other building restrictions;
    - (iii) the layout of buildings and structures, including in relation to site boundaries; and
    - (iv) parking ratios.
  - (c) the Municipality must involve the local community in the drafting and adoption of its land use scheme; and
  - (d) before it adopts the scheme, assess the environmental impact of the land use scheme in accordance with section 24 of the National Environmental Management Act, 1998 (Act 107 of 1998).
- (2) When applying Chapter IV of the Municipal Systems Act the Municipality must at least-
- (a) open the draft land use scheme for public inspection; and
  - (b) publish a notice in one or more newspapers circulating in the area of the Municipality which -
    - (i) specifies the place or places where and the hours within which, the draft land use scheme is available for public inspection; and
    - (ii) invites the local community and other interested persons to submit representations or objections in connection with the proposed land use scheme to the municipal manager before a date specified in the notice, which date may not be earlier than 21 days from the date of publication of the notice.

- 
- (3) Traditional authorities that traditionally observe a system of customary law in the area of the Municipality may in accordance with section 81 of the Municipal Structures Act participate in the drafting and adoption of the Municipality's land use scheme to the extent that the scheme affects land under their jurisdiction.

## 10. Promulgation

- (1) Once the land use scheme has been adopted by the council of the municipality, the municipal manager must -
- (a) give notice of such adoption in the Provincial Gazette;
  - (b) in that notice state that the adopted scheme is available for public inspection during office hours at the place indicated in the notice;
  - (c) keep the adopted scheme at the indicated place which must be accessible to the public; and
  - (d) allow the public access to the adopted scheme during office hours,
- (2) The land use scheme shall have the force of law and shall bind the owners of land to which the scheme applies, including any other person having a right or interest in that land.

## 11. Enforcement

- (1) The municipality may apply to a court for an order -
- (a) interdicting any person from using a piece of land in contravention of its land use scheme;
  - (b) sanctioning the demolition of any structures erected on a piece of land in contravention of the land use scheme, without any obligation on the municipality or the person carrying out the demolition to pay compensation; or

## CHAPTER IV LAND USE REGULATIONS

512-s13

---

- (c) giving any other appropriate remedy.
- (2) The municipality may designate councillors or officials of the municipality or other persons to investigate any transgressions of the land use scheme.
- (3) A designated councillor, official or other person may, for the purposes of such investigations, at all reasonable hours gain entry to any piece of land within the municipality and inspect the land or any structures or operations on the land and has all the powers of a peace officer in terms of the Criminal Procedure Act (Act No. 51 of 1977).
- (4) The municipality may from time to time revise its land use scheme and replace its existing scheme with the revised scheme.
- (5) If the municipality approves any application to change the use of any piece of land, then the municipality must effect amendments to its land use scheme to give effect to the approval.

## CHAPTER IV

## LAND USE REGULATIONS

## 12. Change in land use

No person may change the use of a piece of land without the approval of the municipality.

## 13. Lodging of land use applications

- (1) Any person who wants to apply for approval to change the use of any piece of land, must lodge an application for such approval on the prescribed form.
- (2) If the municipality is of the opinion that the application has been lodged with it contrary to the provisions of subsection (1), the municipality must -

- 
- (a) consult the municipality or the land use tribunal with whom the application should have been lodge; and
  - (b) if the other municipality or the tribunal agrees that the application has been incorrectly lodged. redirect the application to the other municipality or the tribunal.
- (3) The municipality must decide land use applications without delay.

#### **14. Appeals**

- (1) An applicant who feels aggrieved by the decision of the municipality with regard to the applicant's application, or any objector whose rights are affected by the decision of the municipality with regard to a land use application, may lodge an appeal with an Appeal Tribunal against such a decision.
- (2) The municipality may grant a land use application on such conditions as it may determine.
- (3) Such conditions must include a condition that if the pennitted use of the land is not utilised within five (5) years after the date the municipality has granted the application, the permitted use of the land reverts back to what it was immediately before that date.
- (4) The municipality may on good cause shown, extend the period of five (5) years referred to in subsection (3) for a further period not exceeding three (3) years.

#### **15. Procedures to be followed by the municipality**

- (1) The municipality may follow any procedure that is necessary or expedient in the circumstances to effectively and expeditiously decide a land use application, including-
  - (a) conducting an investigation;

## CHAPTER IV: LAND USE REGULATIONS

516-517

---

- (b) holding a public hearing;
  - (c) acquiring information by way of written statements; and
  - (d) any other procedure that may be prescribed.
- (2) Before the municipality approves a land use application, the municipality must assess the environmental impact of any change in the permitted use of land.

**16. Investigations by the municipality**

- (1) The municipality may conduct an investigation itself or designate one or more of its members or other persons to conduct the investigation on its behalf.
- (2) The municipality may -
- (a) at all reasonable hours gain entry to a piece of land which is—
    - (i) the subject of a land use application; or
    - (ii) relevant to the consideration of a land use application; and
  - (b) conduct on that land such inspections and make such enquiries as are necessary for the purpose of the investigation.
- (3) If an investigation is conducted by one or more members or other persons, such member or other persons must on completion of the investigation, submit a written report on the investigation and findings to the municipality.

**17. Public hearings by the municipality**

- (1) The municipality may hold a public hearing itself or designate one or more of its members or other persons to hold a public hearing on its behalf.

## CHAPTER IV : LAND USE REGULATIONS

s17

- 
- (2) For the purposes of a public hearing, the municipality or person or persons holding the public hearing may -
- (a) by written notice summon a person to appear before the municipality –
    - (i) to give evidence; or
    - (ii) to produce a document available to that person and specified in the summons;
  - (b) call a person present at the public hearing, whether summoned or not-
    - (i) to give evidence; or
    - (ii) to produce a document in that person's custody;
  - (c) have an oath or solemn affirmation administered to that person;
  - (d) question that person or have such a person questioned by a designated person; and
  - (e) retain for a reasonable period a document produced by that person.
- (3) If the public hearing is held by one or more members or other persons designated by the municipality, they must on completion of the hearing, submit a written report on the hearing and their findings to the municipality.
- (4) The municipality must consider and decide all land use applications lodged with it or referred to it.
- (5) If the municipality elects to consider and decide all land use applications itself, it must appoint a land use committee or advisory committee which must -
- (a) process all applications; and
  - (b) advise and make recommendations to the council on all such applications before the council decides the application.



## CHAPTER IV: LAND USE REGULATIONS

518-80

---

## 18. Composition of land use committees or advisory committees

- (1) A land use committee must consist of-
  - (a) a chairperson, who must be a councillor of the municipality;
  - (b) additional councillors of the municipality; and
  - (c) no fewer than two (2) and no more than three (3) other persons (which may consist of or include staff members of the municipality) having appropriate qualifications or experience in land use regulation, development planning, the law or environmental management.
- (2) A land use advisory committee must consist of-
  - (a) a chairperson, who must be a senior staff member of the municipality; and
  - (b) no fewer than three (3) and no more than four (4) other persons (which may consist of or include staff members) having appropriate qualifications or experience in land use regulation, development planning, the law or environmental management.
- (3) The members of the land use committee or advisory committee shall hold office at the discretion of the council.

## 19. Operating procedures

- (1) The council of the municipality must by resolution determine the operating procedures of its land use committees or advisory committee.
- (2) A land use committee or advisory committee must keep a record of its proceedings.

---

## 20. Quorum and decisions

- (1) The majority of all the members of a land use committee or advisory committee constitutes a quorum for a meeting of the committee.
- (2) A matter before a committee is decided by the votes of the majority of the members present at the meeting.
- (3) If on any matter before a committee there is an equality of votes, the member presiding at the meeting must exercise a casting vote in addition to that member's vote as a member.

## 21. Remuneration and allowances

Members of the land use committee or advisory committee who are not councillors or staff members of the municipality may be compensated in accordance with applicable treasury norms and standards.

## 22. Technical advisors

- (1) A land use committee or advisory committee may, as and when needed for a specific land use application, co-opt technical advisors from within or outside the municipality to be present and to speak at meetings of the committee.
- (2) A technical advisor co-opted by a land use committee or advisory committee is not a member of the committee and has no voting rights in the committee.
- (3) A person co-opted as a technical advisor who is not an employee of the municipality may be remunerated in accordance with the applicable treasury norms and standards.

## 23. Land use applications affecting traditional authorities

- (1) Participation in council proceedings

## CHAPTER V : LAND USE REGULATIONS

524-526

---

- (a) Traditional authorities that traditionally observe a system of customary law in the area of the municipality may participate in the proceedings of the council of the municipality when the council considers any land use applications affecting land under the jurisdiction of these traditional authorities.

**24. Participation in committee proceedings**

- (1) Traditional authorities that traditionally observe a system of customary law in the area of the municipality may designate a person chosen by them, to participate in the proceedings of the land use committee or advisory committee of the municipality when the committee considers a land use application affecting land under the jurisdiction of the traditional authorities.
- (2) A person designated in terms of subsection (1) acts as a full member of the committee with voting rights when the committee considers and decides such application.

## CHAPTER V

**25. Repeal of laws**

The By-laws listed in Schedule 1 are hereby repealed.

**26. Short Title**

These By-laws are called the Land Use Management By-laws, 2006 and come into effect on a date to be determined by the Council by proclamation in the Provincial Gazette.

CHAPTER V: LAND USE REGULATIONS

s26

SCHEDULE 1


FEBRUARY 2006

FINAL DRAFT

**FETAKGOMO LOCAL MUNICIPALITY  
TARIFF COLLECTION BY-LAWS**

## TABLE OF CONTENTS

CHAPTER 1	,	,233
APPLICATION AND INTERPRETATION OF BY-LAWS		233
1. Application of By-Laws	.	,233
2. Interpretation of By-Laws		'234
CHAPTER II		,239
EXERCISE OF POWERS		,239
3. Exercise of Powers	,	,239
4. Principles of Debt and Tariff Collection		,239
CHAPTER III		241
CREDIT CONTROL		,241
5. Credit Control		,241
6. General terms and conditions for the provision of municipal services		241
7. Estimated consumption	, ,	241
8. Accounts		242
9. Account information		243
10. Account administration	:	243
11. Queries or complaints in respect of account...		244
12. Annual rates and other annual levies		245
13. Monthly Rates		246
14. Municipal Services: Water and Electricity		246
15. Unauthorised Reconnection of the Water and Electricity Supply		248
16. Dishonoured Payments		248
17. Full and final settlement of an amount...		248
CHAPTER IV		249
HOUSING		249
18. Housing		249
19. Municipal Rental Schemes		251
20. Arrangement Criteria For Residential Debtors		251
21. Non-Residential Debtors		252

<b>CHAPTER V</b>	253
<b>INDIGENT POLICy</b>	253
22. Indigent Policy	253
23. Proof of Income	253
24. Investigation	254
25. Water	255
26. Electricity	256
27. Property Rates	256
28. Sewerage	256
29. Refuse Removal	257
30. Accounts for Rates and Services	257
31. Indigents In Rental Housing	257
32. Arrears	258
33. Repeal of by-laws	258
34. Short title	258

FINAIDRAFT

The Municipal Manager of the Fetakgomo Local Municipality hereby, in terms of section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act no. 32 of 2000), publishes the Credit Control by-laws for the Fetakgomo Local Municipality, as approved by its Council, as set out below.

## CHAPTER I

### APPLICATION AND INTERPRETATION OF BY-LAWS

#### 1. Application of By-Laws

These By-laws apply-

- (a) within the defined boundaries of the Fetakgomo Local Municipality in respect of amounts of money due and payable to the Council for-
  - (i) rates;
  - (ii) fees and surcharges on fees in respect of the following municipal services:
    - (aa) the provision of water and the availability thereof;
    - (bb) refuse removal and disposal;
    - (cc) sewerage and the availability thereof; and
    - (dd) electricity consumption and the availability thereof;
  - (iii) interest which has or will accrue in respect of any amount of money due and payable or which will become due and payable to the Council in regard to rates and municipal services; and
  - (iv) collection charges.



- (b) In addition to any applicable national or provincial law.

## 2. Interpretation of By-Laws

Unless the context indicates otherwise-

- (a) "Act" means the Local Government: Municipal Systems Act, 2000 (No. 32 of 2000) and the regulations made under that act;
- (b) "**arrangement**" means a written agreement entered into between the Council and the debtor where specific repayment arrangements are agreed to;
- (c) "**arrears**" means rates and services that have not been paid for by the due date;
- (d) "**authorised representative**" means a person or entity legally appointed by the Council to act or to fulfil a duty on its behalf;
- (e) "**billing**" means the process of charging for services provided by issuing of accounts.
- (f) "**chief financial officer**" means the person appointed by the Council to administer its finances;
- (g) "**Council**" means -
  - (i) the Fetakgomo Local Municipality established by Provincial Notice No. 278 of 2000 dated 1 October 2000, as amended, exercising its legislative and executive authority through its Municipal Council; or
  - (ii) its successor; or
  - (iii) a structure or person exercising a delegated power or carrying out an instruction where any power in these by-laws, has been delegated or sub-delegated or an instruction given as contemplated in, section 59 of the Local Government: Municipal Systems Act, 2000; or

- (iv) a service provider fulfilling a responsibility under these by-laws assigned to In terms of section 81 (2) of the Local Government, Municipal Systems Act, 2000 or any other law as the case may be;
- (h) "credit control" means all the functions relating to the collection of monies owed by rate payers and the users of municipal services;
- (i) "consumer" means the occupier of any premises to which the Council has agreed to supply or already supplies services, or if there is no occupier, then the owner of the premises;
- (j) "disconnection" means an interruption of the supply of water or electricity to a debtor as a consequence of ignoring a final demand for payment;
- (k) "due date" means the final date of payment as shown on the account;
- (l) "defaulter" means any person who owes the Council arrear monies in respect of rates or service charges;
- (m) "effective disconnection" means the physical removal of equipment as a consequence of an unauthorised reconnection of a disconnected service;
- (n) "engineer" means the person registered as a professional engineer in terms of the Engineering Profession Act, 2000 (Act no. 209 of 1993);
- (o) "equipment" means a building or other structure, pipe, pump, wire, cable, meter, engine or any accessory;
- (p) "financial year" means-
  - (i) a year ending 30 June; or
  - (ii) such other period that may be defined by legislation from time to time.

- (q) "implementing authority" means the municipal manager or his or her nominee, acting in terms of section 100 of the Local Government: Municipal Systems Act, 2000;
- (r) "indigent" means any person or household whose combined monthly income does not exceed such amount as may be determined by the Council from time to time;
- (s) "indigent amount" means the applicable value of the indigent subsidy as determined by the Council from time to time;
- (t) "interest" means a charge levied and calculated at the rate determined by the Council from time to time on all arrear monies;
- (u) "municipal account" means an account rendered, specifying rates or charges for services provided by the Municipality, or any authorised and contracted service provider;
- (v) "municipality" means the Fetakgomo Local Municipality;
- (w) "municipal manager" means the person appointed as municipal manager in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) and includes any person acting in that position or to whom authority has been delegated;
- (x) "municipal services" means services provided by the Municipality and includes the supply of water and electricity, refuse removal, sewerage treatment, and for which service charges are levied;
- (y) "occupier" means any person who occupies any property or part thereof, irrespective of the title under which he or she occupies the property;
- (z) "owner" means-

- (a) the person in whom the legal title to the premises vests from time to time; or if the person in whom the legal title vests, is insolvent, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (b) in a case where the Council is unable to determine the identity of such person, a person who is entitled to the benefit of such premises with a building thereon;
- (c) in the case of premises for which a lease of thirty (30) years or more has been entered into, the lessee thereof;
- (d) in relation to-
  - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act 1986, ( Act No. 95 of 1986), and without restricting the above, the developer or the body corporate in respect of the common property or;
  - (ii) a section as defined in such act, the person in whose name such a section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;
  - (iii) any legal person including but not limited to-
  - (iv) a company registered in terms of the Companies Act, 1973 (Act No. 61 of 1973);
  - (v) a trust;
  - (vi) a Closed Corporation registered in terms of the Closed Corporation Act, 1984 (Act 69 of 1984);
  - (vii) a voluntary association;

- (viii) any department of state;
  - (ix) any councilor board established in terms of any legislation; and
  - (x) any embassy or other foreign entity;
- (e) "premises" means any piece of land, the external surface boundaries of which are delineated on-
  - (i) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act No. 9 of 1927);
  - (ii) the Deeds Registry Act, 1937 (Act No. 47 of 1937); or
  - (iii) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), which is situated within the area of jurisdiction of the Council;
- (f) "rates" means a municipal rate on property levied in terms of the Local Government: Municipal Property Rates Act, 2004 (Act No.6 of 2004), or any prior law.
- (g) "supervisory authority" means the Executive Mayor of the Municipality or his or her nominee, acting in terms of section 99 of the Local Government: Municipal Systems Act, 2000;
- (h) "payment" means any form of redemption towards the balance on an account whether by cash, cheque or electronic means.
- (i) "sundry debt" means any debt other than a debt for-
  - (i) rates;
  - (ii) housing; and
  - (iii) municipal services;

- (j) "supply" means any metered supply of water or electricity.

## CHAPTER"

### EXERCISE OF POWERS

#### 3. Exercise of Powers

The power conferred by this by-law must not be exercised in a manner that is unreasonable and unjustifiable.

#### 4. Principles of Debt and Tariff Collection

- (1) The Council must determine tariff policy within the framework of the following principles-

- (a) human dignity must be upheld at all times;
- (b) the by-law must be implemented with equity, fairness and consistency;
- (c) the amount charged to a consumer must be in proportion to the consumer's use of the Municipal service;
- (d) the municipality must at all times consult with the community regarding rates increases;
- (e) information in respect of consumers and their accounts must be accurate at all times;
- (f) directly measurable services such as electricity and water and the consumption of such services must be properly metered by the Municipality and meters must be read, whenever circumstances reasonably permit, on a monthly basis.

- (g) consumers must fulfil their responsibilities to pay service fees, rates on property and other taxes, levies, and duties that the Municipality may impose;
- (h) In the event that a consumer defaults on payment for Municipal services, such consumer may be responsible for the costs of collection, including-
  - (i) any administration fees;
  - (ii) penalties for late payment;
  - (iii) legal costs;
  - (iv) interest;
  - (v) disconnection fees; and
  - (vi) reconnection fees.
- (i) The Council may, in terms of the principles embodied in the Constitution and in other legislation pertaining to local government, differentiate between categories of consumers of Municipal services in regard to the tariffs which it levies provided that-
  - (i) such differentiation is at all times reasonable; and
  - (ii) the differentiation is fully disclosed in each annual budget of the Municipality.

## CHAPTER III

## CREDIT CONTROL

## 5. Credit Control

- (1) Any person who requires a municipal service must enter into a written agreement with the Municipality and may be required to-
  - (a) pay a minimum deposit as determined by the Council from time to time; and
  - (b) present his or her original green bar-coded identity document or any other form of identification acceptable to the Municipality for verification purposes.
- (2) Any application for services to a business entity must where applicable, be accompanied by a resolution of the board of the business entity delegating authority to the applicant
- (3) The application contemplated in sub-section (2) must contain -
  - (a) the business entity's registration number; and
  - (b) the names and identity numbers of its directors, partners or members.

## 6. General terms and conditions for the provision of municipal services

- (1) The general terms and conditions for the provision of any municipal service set out in a service agreement contemplated in section 5(1) are deemed to be incorporated in these By-laws and apply to the provision of such service to any customer.

## 7. Estimated consumption

- (1) The Council may have an estimate made of the consumption of water or electricity for any relevant period if -



- (a) no meter reading could be obtained in respect of the period concerned; or
  - (b) no meter has been installed to measure the consumption on the premises concerned,
- and the customer concerned is liable for payment of the prescribed fee in respect of such estimated consumption.

#### 8. Accounts

- (1) Accounts must be rendered and administered in accordance with the Policy, other prescribed requirements and any other law.
- (2) The Council may, in accordance with the provisions of section 102 of the Act -
  - (a) consolidate any separate accounts of a customer liable for payments in terms of these By-laws to the Council;
  - (b) credit any payment by such customer against any account of that customer; and
  - (c) implement any of the debt collection and credit control measures provided for in these By-laws in relation to any arrears on any of the accounts of a customer.
- (3) The amount due and payable by a customer constitutes a consolidated debt, and any payment made by a customer of an amount less than the total amount due, will, subject to the provisions of section 17(1), be allocated in reduction of the consolidated debt in the order prescribed.
- (4) Any amount paid by a customer in excess of an existing debt may be held in credit for the customer in anticipation of future rates and fees for municipal services.
- (5) No interest is payable on any amount contemplated in subsection (4).

## 9. Account information

- (1) Accounts must contain at least the following -
  - (a) the consumption or estimated consumption of water and electricity as determined for the measuring or consumption period;
  - (b) the measuring or consumption period for water and electricity;
  - (e) the amount due based on the measured or estimated consumption;
  - (d) the amount due and payable for any other municipal service;
  - (e) the amount in arrears, if any;
  - (f) the interest payable on any arrears, if any;
  - (g) collection charges insofar as they may be relevant;
  - (h) the final date for payment; and
  - (i) the methods, places and approved agents where payment may be made.

## 10. Account administration

- (1) The Council must, subject to the provisions of section 6, endeavour to ensure -
  - (a) accurate metering of consumption at fixed intervals with the minimum delay between service connection and first and subsequent rendering of accounts;
  - (b) accurate and up-to-date information in accounts;
  - (e) accurate monthly accounts with the application of the appropriate and correct prescribed fees, rates and other related amounts due and payable;
  - (d) the timely dispatch of accounts;

- (e) adequate provision and the efficient operation of facilities for payment throughout the municipal area;
- (f) the appointment of agents to accept payments on behalf of the Council; and
- (9) appropriate hours of business in order to facilitate account payments.

**11. Queries or complaints in respect of account**

- (1) Any consumer may lodge a query or complaint in respect of the accuracy of the amount due and payable in terms of an account rendered to him or her.
- (2) A query or complaint must be lodged with the Council-
  - (a) before or on the due date for payment of the account; or
  - (b) as soon as reasonably practicable thereafter.
- (3) Where a query or complaint is lodged after the due date of the account queried or complained about, such query or complaint must be accompanied by the payment of at least an amount equal to the average amount that was due and payable during the preceding 3 months.
- (4) The Council must, upon receipt of the query or complaint-
  - (a) register the query or complaint; and
  - (b) provide the consumer with a reference number.
- (5) The Council must-
  - (a) investigate or cause the query or complaint to be investigated within 14 days, or as soon as possible after the query or complaint was registered; and
  - (b) make a finding on the correct amount payable.

- (6) Any arrears that are payable after a finding in subsection 5(b), must be paid within 7 days of the finding.

## 12. **Annual rates and other annual levies**

- (1) The Council may charge interest on all overdue accounts at an interest rate which the Council may determine from time to time.
- (2) If an account is not paid by the due date as shown on the account, the Municipality may issue a warning in writing to the consumer, warning the consumer that-
  - (a) the account is in arrears; and
  - (b) failure to settle the amount in arrears may result in legal action or disconnection of the supply as the case may be.
- (3) If despite the warning contained in sub-section (2), the account remains unpaid, the Municipality may issue a final letter of demand to the debtor.
- (4) After the final letter of demand contemplated in sub-section (3), the Council may issue summons, If-
  - (a) the account is not settled; or
  - (b) no acceptable payment arrangements have been made by the debtor.
- (5) The collection of rates in respect of Municipal properties acquired by a suspensive sale agreement must be done in terms of the Deed of Sale.
- (6) The Council may grant any debtor whose account has been handed over to attorneys for non-payment of rates, the opportunity of converting to monthly rates for the following financial year.

### 13. Monthly Rates

- (1) The Council may charge interest on all overdue accounts at an interest rate, which *may* be determined by the Council from time to time.
- (2) A debtor may make an application to the Council to pay current and future rates on a monthly basis.
- (3) The Council *may* calculate the monthly amount payable for current annual rates to allow for the total amount to be paid in equal instalments *by* the end of the financial year.

### 14. Municipal Services: Water and Electricity

- (1) All accounts must be paid by the due date as shown on the account.
- (2) Interest *may* be charged on all overdue accounts at an interest rate, which may be determined by the Council from time to time.
- (3) The account must contain a warning of possible disconnection if payment is not received by the due date.
- (4) If payment is not received by the due date, a letter of final warning must be issued.
- (5) If payment is not received by the due date as shown on the letter of final warning, the supply may be disconnected.
- (6) Any action taken in terms of subsection (4) is subject to compliance with-
  - (a) section 3 and 4 of the Water Services Act, 1997 (Act No. 108 of 1997), if the provision of water is involved;
  - (b) the relevant provisions of the Electricity Act, 1987 (Act No. 41 of 1987), if the provision of electricity is involved;

- (c) the relevant provisions of the Health Act, 1977, (Act No, 63 of 1997), and any regulations made in terms of that Act; and
  - (d) the Promotion of Administrative Justice Act, 2000 (Act NO.3 of 2000), in so far as it is applicable.
- (7) In the event that the supply has been disconnected, a notice must be left at the property informing the debtor that-
  - (a) the supply has been disconnected;
  - (b) all electric points must be considered live; and
  - (c) water outlets must be closed.
- (8) The notice must also inform the debtor that the supply may be reconnected only after the amount specified on the notice-
  - (a) has been paid; or
  - (b) suitable arrangements for payment have been made.
- (9) The notice must also warn the debtor against an unauthorised reconnection of the supply.
- (10) Any consumer other than a domestic consumer may be required to pay all penalties and arrears in full before the supply is restored.
- (11) The Council must restore disconnected services within a reasonable time, after-
  - (a) the debtor has paid and presented proof of payment; or
  - (b) the debtor has made suitable arrangements for payment.

15. Unauthorised Reconnection of the Water and Electricity Supply

- (1) No person may illegally reconnect a service that has been disconnected.
- (2) The Municipality may effectively disconnect any debtor who illegally reconnects a disconnected supply.
- (3) The debtor may be liable for the payment of the full amount of arrears in addition to any unauthorised consumption, prior to being reconnected.
- (4) The Council may, under exceptional circumstances, permit that suitable payment arrangements be made.
- (5) In the event of a reconnection of the supply, the debtor may be liable for the payment of current installation costs.
- (6) The Council may in addition to any other steps that it may take, institute criminal proceedings.

16. Dishonoured Payments

- (1) In the event that a cheque drawn to make payment for services is dishonoured, the Council may at its discretion debit the reversal and penalty fee to an account of the drawer or beneficiary of the services.
- (2) The Council may refuse to accept further cheques from the drawer or beneficiary, and may in addition to any other steps, institute criminal proceedings.

17. Full and final settlement of an amount

- (1) The Council may appropriate monies received in respect of any debt contemplated in these By-laws at its sole discretion, unless the customer otherwise instructs in writing.

- (2) In any amount due and payable to the Council in terms of these By-laws has not been paid in full, any lesser amount tendered to and accepted by any employee of the Council, does not constitute payment in full and final settlement of the full amount, unless the lesser amount was accepted in full and final settlement in writing, under a power delegated or sub-delegated to such employee in terms of section 59 of the Act or by a service provider contemplated in paragraph (iv) of the definition of "Council".

## **CHAPTER IV**

### **HOUSING**

#### **18. Housing**

- (1) The Council may charge Interest on all overdue accounts at a rate which it may determine from time to time.
- (2) A debtor who is in arrears may, in addition to paying an acceptable amount towards his or her arrears each month, be required to settle his or her current account.
- (3) The Council may stay any legal action subject to the debtor entering into a suitable arrangement with the Council to pay the arrears.
- (4) The Council may not set a maximum period for the payment of housing arrears.
- (5) All interest charges on arrears may be waived subject to the rescheduled debt arrangement being consistently honoured by the debtor.
- (6) The first payment of the debt must be made at the time that a debt rescheduling arrangement is entered into.
- (7) Legal action including eviction, may resume In the event that the payment arrangement is not honoured,



- (8) After the issuing of a statutory notice and judgement order against the debtor the Council may inform the ward councillor in whose ward the debtor resides, of the default.
- (9) Subject to the provisions of section 4(1)(a), officials of the Council may conduct home visits to a debtor following the issue of a statutory notice in order to encourage the defaulting debtor -
  - (a) to pay his or her current account; or
  - (b) to enter into a suitable payment arrangement.
- (10) In addition to paying all legal costs, the debtor may be required to enter into an acceptable debt rescheduling agreement before any legal action is stayed.
- (11) The following payments may be required from the debtor prior to staying any legal action-
  - (a) a payment of the equivalent of three months of the total housing charge following the issue of summons.
  - (b) a payment of the equivalent of six months of the total housing charge following the granting of a judgement order.
  - (c) a payment of the equivalent of twelve months of the total monthly housing charge on the day of eviction.
- (12) The payment required may be limited to the lesser of the outstanding balance or the amount calculated in sub-section (11).
- (13) In the event that the debtor dishonours an arrangement made to avoid an eviction, a new warrant of eviction may be issued.

**19. Municipal Rental Schemes**

- (1) Any person who occupies a municipal house in terms of a municipal rental scheme must pay rental in advance by the due date.
- (2) If payment is not received by the due date shown on the account, a letter demanding payment and offering the debtor an opportunity to make an arrangement within 30 days, may be sent to the defaulting debtor.
- (3) If the debtor fails to respond to the letter contemplated in sub-section (2) a statutory notice must be sent, giving the defaulter thirty days to make an arrangement for payment.
- (4) If the debtor fails to respond to the notice, the account may be handed over to an attorney for collection.
- (5) the debtor may be liable for all legal costs in the event that the account is handed over to an attorney as contemplated in sub-section (4).
- (6) The action contemplated in sub-section (5) may be undertaken only after all reasonable credit control mechanisms have been exhausted.

**20. Arrangement Criteria For Residential Debtors**

- (1) All debtors who are in arrears and apply to make arrangements to reschedule their debt may be required to pay-
  - (a) the current account; and
  - (b) a minimum payment as contained in schedule 1.
- (2) In the successive month the debtor may be required to pay-
  - (a) the current account and;

- (b) an instalment as determined in sub-section 1(b).
- (3) In the event of the debtor defaulting on the payment. payment may be required as follows -
  - (a) In the case of a first default –
    - (i) fifty percent of the minimum payment, in addition to the payments as determined in sub-sections 1(a) and (b).
  - (b) In the case of a second default –
    - (i) the payment as determined in sub-section 1(a) and double the instalment as determined in sub-section (1) (b).
  - (c) In the case of a final default-
    - (i) the current account and full arrears.

## 21. **Non-Residential Debtors**

- (1) Any non-residential debtor may make suitable arrangements to liquidate his or her arrears.
- (2) The final decision to enter into the arrangements contemplated in sub-section (1) must be made by the Chief Financial Officer of the Municipality.

## CHAPTER V

**INDIGENT POLICY****22. Indigent Policy**

- (1) A debtor may be granted indigent status if his or her total household income does not exceed an amount determined by Council from time to time.
- (2) An indigent debtor may make application for indigent benefits at the Council offices on the prescribed forms.
- (3) An indigent debtor must provide written proof of his or her financial circumstances every 12 months or at such periods as may be determined from time to time by the Council.
- (4) Subject to section 24(4), failure to comply with the requirement in sub-section (3) may result in the reinstatement of normal levies.
- (5) An indigent debtor must notify the council as soon as the household's status has changed resulting in that household not to qualify as an indigent household any longer.

**23. Proof of Income**

- (1) Any applicant for an indigent subsidy must together with his or her application produce written proof of -
  - (a) unemployment; or
  - (b) low income; or
  - (c) reduction in income; and

- (d) medical certificates confirming that the applicant is unable to work due to infirmity.
- (2) The documentation contemplated in sub-section (1) must be not more than one month old and must be accompanied by a sworn affidavit.
- (3) An applicant must be informed that he or she will automatically be disqualified from receiving any indigent assistance and be liable to—
  - (a) refund the amount of any such assistance received from the Council, if the application or information contemplated in subsection (1), contains any false information; and
  - (b) prosecution if any false information as contemplated in paragraph (a) is furnished by the applicant.

#### 24. Investigation

- (1) The Council may take such steps, as it deems necessary to verify the facts contained in an application for indigency benefits.
- (2) The staff of the Council or its authorised representative may from time to time carry out an inspection into the living conditions of an indigent household in order to determine whether the household still qualifies as an indigent household.
- (3) If the Council is of the opinion that the household no longer qualifies as an indigent household it may withdraw the indigent subsidy.
- (4) The Council may not act in terms of sub-section (3) unless—
  - (a) The Council has given the indigent debtor concerned, reasonable written notice of its intention to withdraw the subsidy, and has stated reasons for the contemplated withdrawal;

- (b) The Council has, in such notice given the indigent debtor a reasonable opportunity to make written representations as to why the indigent subsidy should not be withdrawn; and
  - (c) The Council has duly considered the written representations.
- (5) If the subsidy is withdrawn, the indigent debtor may appeal to a committee set up for this purpose in terms of section 80 of the Act. The decision of the committee will be final.
  - (6) The committee may, when considering an appeal contemplated in sub-section (5) request such information from officials of the Council as it may require.
  - (7) The Committee must within a reasonable time-
    - (a) notify the appellant of its decision; and
    - (b) provide reasons for the decision.

## 25. **Water**

- (1) The Council may charge for water consumption in excess of the free 4 kiloliters determined in terms of national policy, according to the current applicable water tariff. The benefit of the 6 kiloliter free water may be based on the tariff of the consumption level above the free 6 kiloliters.
- (2) Subject to section 24(4), any indigent household that uses more than 20 kiloliters per month for any two months may lose their indigent status.
- (3) Any household that uses more than the free water allocation and fails to pay for the additional water by the due date may have its supply reduced until a suitable payment arrangement is made.
- (4) If the resident's water supply was reduced prior to the resident applying for an indigent subsidy, the resident may be required to pay the appropriate reconnection fee.

## 26. Electricity

- (1) An indigent household will be entitled to an indigent subsidy in respect of electricity consumption in addition to the free 50 Kilowatt hours per month determined in terms of national policy.
- (2) The Council may transfer an indigent debtor to a pre-paid energy dispenser if it is in the interests of the debtor to do so.
- (3) The Council may activate an auxiliary payment system for the purposes of enabling an indigent debtor to gradually pay his or her arrears.

## 27. Property Rates

- (1) The Council may not, for purposes of granting an indigent household subsidy in respect of rates for sewerage and refuse removal, link the rates to the value of the property of such household or to the value of the improvement to such property.
- (2) The Council may determine a different indigent amount for the rates of an indigent household if these rates do not include rates for sewerage and refuse removal.

## 28. Sewerage

- (1) The Council may grant an indigent debtor, a fixed amount of subsidy per month in respect of usage. The amount granted to the indigent debtor will be based on the volume of free water consumed.
- (2) If the sewerage account is less than the value of the subsidy referred to in sub-section (1) the subsidy may be limited to the value of the account.

29. Refuse Removal

- (1) An indigent debtor may be granted an indigent subsidy each month based on his or her monthly refuse removal costs.
- (2) An indigent debtor's refuse removal charges may be adjusted in any manner that the Council may determine, irrespective of the method and the normal tariff or refuse collection used in the area where the indigent debtor is resident.
- (3) If the refuse removal charges are less than the value of the indigent subsidy as determined in sub-section (2), the subsidy may be limited to the value of the account.

30. Accounts for Rates and Services

- (1) Accounts for rates and services may be calculated according to the normal tariff minus the value of the general 6 kiloliters of free water, minus the indigent amount as determined by the Council.

31. Indigents In Rental Housing

- (1) If, there are income-earning tenants on a property apart from the main tenant and his or her partner, twenty percent of each of the tenants' monthly gross income may be added to the main tenant's income to determine the total income of the household.
- (2) The Council may waive interest on all existing arrears provided that a payment arrangement is consistently honoured.
- (3) The Council may require an applicant for an indigent subsidy who is in arrears to enter into a payment arrangement.
- (4) The Council may require a tenant to provide written proof of his or her financial circumstances every 12 months in order to determine whether the tenant still qualifies for indigent status.



- (5) Subject to section 24(4), failure to comply with sub-section (4) may result in the reinstatement of normal rental charges by the Council.
- (6) In the event of an indigent debtor breaching a provision of any payment arrangement, the indigent subsidy may, subject to section 24(4) be withdrawn.
- (7) The Council may restore the debtor's indigent status subject to such conditions as it may determine.

### 32. **Arrears**

- (1) The Council may require an indigent debtor who is in arrears to pay a nominal amount towards his or her arrears.
- (2) The Council may charge Interest on all overdue accounts at an interest rate that may be determined by the Council from time to time until an arrangement is made to pay arrears.

### 33. **Repeal of by-laws**

- (1) The By-laws listed in Schedule 1 are hereby repealed.

### 34. **Short title**

These By-laws are called the Tariff collection By-laws, 2006 and come into effect on a date to be determined by the Council by proclamation in the Provincial Gazette.

---