



# **NORTH WEST NOORDWES**

## **PROVINCIAL GAZETTE PROVINSIALE KOERANT**

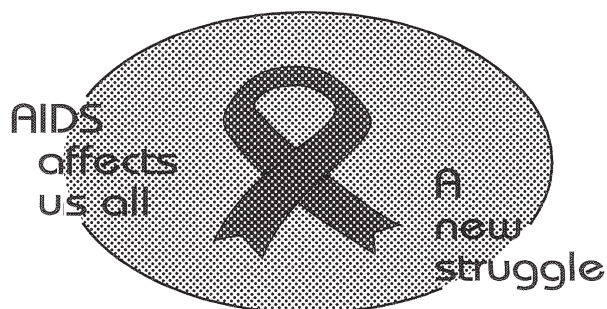
**Vol. 262**

**MAHIKENG**  
11 JUNE 2019  
11 JUNIE 2019

**No. 8016**

### **PART 1 OF 2**

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



**Prevention is the cure**

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

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**No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.**

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# Closing times for **ORDINARY WEEKLY** 2019 NORTHWEST PROVINCIAL GAZETTE

*The closing time is **15:00** sharp on the following days:*

- **21 December 2018**, Wednesday for the issue of Tuesday **01 January 2019**
- **31 December**, Monday for the issue of Tuesday **08 January 2019**
- **08 January**, Tuesday for the issue of Tuesday **15 January 2019**
- **15 January**, Tuesday for the issue of Tuesday **22 January 2019**
- **22 January**, Tuesday for the issue of Tuesday **29 January 2019**
- **29 January**, Tuesday for the issue of Tuesday **05 February 2019**
- **05 February**, Tuesday for the issue of Tuesday **12 February 2019**
- **12 February**, Tuesday for the issue of Tuesday **19 February 2019**
- **19 February**, Tuesday for the issue of Tuesday **26 February 2019**
- **26 February**, Tuesday for the issue of Tuesday **05 March 2019**
- **05 March**, Tuesday for the issue of Tuesday **12 March 2019**
- **12 March**, Tuesday for the issue of Tuesday **19 March 2019**
- **18 March**, Monday for the issue of Tuesday **26 March 2019**
- **26 March**, Tuesday for the issue of Tuesday **02 April 2019**
- **02 April**, Friday for the issue of Tuesday **09 April 2019**
- **09 April**, Friday for the issue of Tuesday **16 April 2019**
- **12 April**, Friday for the issue of Tuesday **23 April 2019**
- **23 April**, Tuesday for the issue of Tuesday **30 April 2019**
- **29 April**, Monday for the issue of Tuesday **07 May 2019**
- **07 May**, Tuesday for the issue of Tuesday **14 May 2019**
- **14 May**, Tuesday for the issue of Tuesday **21 May 2019**
- **21 May**, Tuesday for the issue of Tuesday **28 May 2019**
- **28 May**, Tuesday for the issue of Tuesday **04 June 2019**
- **04 June**, Tuesday for the issue of Tuesday **11 June 2019**
- **10 June**, Monday for the issue of Tuesday **18 June 2019**
- **18 June**, Tuesday for the issue of Tuesday **25 June 2019**
- **25 June**, Tuesday for the issue of Tuesday **02 July 2019**
- **02 July**, Tuesday for the issue of Tuesday **09 July 2019**
- **09 July**, Tuesday for the issue of Tuesday **16 July 2019**
- **16 July**, Tuesday for the issue of Tuesday **23 July 2019**
- **23 July**, Tuesday for the issue Tuesday **30 July 2019**
- **30 July Tuesday for the issue of Tuesday 06 August 2019**
- **05 August Monday for the issue of Tuesday 13 August 2019**
- **13 August Tuesday for the issue of Tuesday 20 August 2019**
- **20 August Tuesday for the issue of Tuesday 27 August 2019**
- **27 August Tuesday for the issue of Tuesday 03 September 2019**
- **03 September Tuesday for the issue of Tuesday 10 September 2019**
- **10 September Tuesday for the issue of Tuesday 17 September 2019**
- **17 September Tuesday for the issue of Tuesday 24 September 2019**
- **23 September Monday for the issue of Tuesday 01 October 2019**
- **01 October Tuesday for the issue of Tuesday 08 October 2019**
- **08 October Tuesday for the issue of Tuesday 15 October 2019**
- **15 October Tuesday for the issue of Tuesday 22 October 2019**
- **22 October Tuesday for the issue of Tuesday 29 October 2019**
- **29 October Tuesday for the issue of Tuesday 05 November 2019**
- **05 November Tuesday for the issue of Tuesday 12 November 2019**
- **12 November Tuesday for the issue of Tuesday 19 November 2019**
- **19 November Tuesday for the issue of Tuesday 26 November 2019**
- **26 November Tuesday for the issue of Tuesday 03 December 2019**
- **03 December Tuesday for the issue of Tuesday 10 December 2019**
- **09 December Monday for the issue of Tuesday 17 December 2019**
- **17 December Tuesday for the issue of Tuesday 24 December 2019**

# LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

**COMMENCEMENT: 1 APRIL 2018**

## NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

## EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3026.32** per page.

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

### CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.

2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website [www.gpwonline.co.za](http://www.gpwonline.co.za)

All re-submissions will be subject to the standard cut-off times.

**All notices received after the closing time will be rejected.**

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
<i>Extraordinary Gazettes</i>	As required	Any day of the week	<i>Before 10h00 on publication date</i>	<i>Before 10h00 on publication date</i>
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days <b>after</b> submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days <b>after</b> submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days <b>after</b> submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days <b>after</b> submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

### EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

### NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website [www.gpwonline.co.za](http://www.gpwonline.co.za).
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za). The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
  - 8.1. Each of the following documents must be attached to the email as a separate attachment:
    - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
      - 8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
      - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
    - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. (*Please see Quotation section below for further details*)
    - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
    - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (*Please see the Copy Section below, for the specifications*).
    - 8.1.5. Any additional notice information if applicable.



**GOVERNMENT PRINTING WORKS - BUSINESS RULES**

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by “walk-in” customers on electronic media can only be submitted in *Adobe* electronic form format. All “walk-in” customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

**QUOTATIONS**

13. Quotations are valid until the next tariff change.
  - 13.1. **Take note:** **GPW**'s annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the e*Gazette* Contact Centre for a quotation.
  - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
  - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
  - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
  - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
    - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
  - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
  - 19.1. This means that the quotation number can only be used once to make a payment.



**GOVERNMENT PRINTING WORKS - BUSINESS RULES****COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

**CANCELLATIONS**

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must accompanied by the relevant notice reference number (N-) in the email body.

**AMENDMENTS TO NOTICES**

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

**REJECTIONS**

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

**GOVERNMENT PRINTING WORKS - BUSINESS RULES****APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

**GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY**

27. The Government Printer will assume no liability in respect of—
  - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
  - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
  - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

**LIABILITY OF ADVERTISER**

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

**CUSTOMER INQUIRIES**

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

**GPW** has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

### PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za) before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

### PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website [www.gpwnonline.co.za](http://www.gpwnonline.co.za) free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette(s)*

## GOVERNMENT PRINTING WORKS CONTACT INFORMATION

#### Physical Address:

**Government Printing Works**  
149 Bosman Street  
Pretoria

#### Postal Address:

Private Bag X85  
Pretoria  
0001

#### GPW Banking Details:

**Bank:** ABSA Bosman Street  
**Account No.:** 405 7114 016  
**Branch Code:** 632-005

**For Gazette and Notice submissions:** Gazette Submissions:

**For queries and quotations, contact:** Gazette Contact Centre:

**E-mail:** [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za)

**E-mail:** [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)

**Tel:** 012-748 6200

**Contact person for subscribers:** Mrs M. Toka:

**E-mail:** [subscriptions@gpw.gov.za](mailto:subscriptions@gpw.gov.za)

**Tel:** 012-748-6066 / 6060 / 6058

**Fax:** 012-323-9574

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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS**

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**NOTICE 68 OF 2019****NOTICE IN TERMS OF CLAUSE 56 AND 86 OF THE MADIBENG SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016, FOR A CHANGE OF LAND USE RIGHTS: HARTBEESPOORT AMENDMENT SCHEME 531**

I, Jeff de Klerk, being the authorised agent of the owners of Erf 817, Melodie Extension 22, hereby give notice in terms of Clause 56 and 86 of the Madibeng Spatial Planning and Land Use Management By-law, 2016, that I have applied to the Madibeng Local Municipality for a change of land use rights also known as rezoning (amendment of the Hartbeespoort Town Planning Scheme, 1993, in operation) of the property described above, situated at 817 Ou Wapad, Melodie (Sediba Plaza), from "Business 3" to "Business 2", subject to height of 2 storeys and coverage of 45%, subject to certain conditions, as detailed in the self-explanatory memorandum and proposed development controls form MLM:F/13.

Any objection or comments, with the grounds therefore and contact details, shall be lodged within a period of 32 days from 4 June 2019, with or made in writing to: The Municipal Manager at: Room 223, Second Floor, Municipal Offices, Van Velden Street, Brits, or at PO Box 106, Brits, 0250.

Full particulars and plans (if any) may be inspected during normal office hours at the above-mentioned offices, for a period of 32 days from 4 June 2019.

**Closing date for any objections and/or representations:** 6 July 2019

**Address of authorised agent:** Jeff de Klerk, P O Box 105, Ifafi, 0260.

Telephone Numbers: (012) 259 1688 / 082 229 1151

**Dates on which notice will be published:** 4 June 2019 and 11 June 2019 (North West Provincial Gazette) and, 6 June 2019 and 13 June 2019 (Kormorant).

04-11

**KENNISGEWING 68 VAN 2019****KENNISGEWING INGEVOLGE KLOUSULE 56 EN 86 VAN DIE MADIBENG RUIMTELIKE BEPLANNING EN GRONDGEBRUIKSBESTUURS VERORDENING, 2016, VIR VERANDERING IN GRONDGEBRUIKSREG: HARTBEESPOORT WYSIGINGSKEMA 531**

Ek, Jeff de Klerk, synde die gemagtigde agent van die eienaars van Erf 817, Melodie Uitbreiding 22, gee hiermee ingevolge Klousule 56 en 86 van die Madibeng Ruimtelike Beplanning en Grondgebruiksbestuurs Verordening, 2016, kennis dat ek by die Madibeng Plaaslike Munisipaliteit aansoek gedoen het om die verandering van grondgebruiksreg ook bekend as hersonering (wysiging van die Hartbeespoort Dorpsbeplanningskema, 1993, in werking) van die eiendom hierbo beskryf, geleë te Ou Wapad 817, Melodie (Sediba Plaza), vanaf "Besigheid 3" na "Besigheid 2", onderworpe aan hoogte van 2 verdiepings en dekking van 45%, soos uiteengesit in die selfverduidelikende memorandum en voorgestelde ontwikkelingsbeheermaatreels vorm MLM:F/13.

Besware of verhoë ten opsigte van die aansoek met die redes daarvoor tesame met kontakbesonderhede, moet binne 'n tydperk van 32 dae vanaf 4 Junie 2019 skriftelik ingedien word by of tot: Die Munisipale Bestuurder by: Kamer 223, Tweedevloer, Munisipale Kantore, Van Veldenstraat, Brits, of by Posbus 106, Brits, 0250.

Volle besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by bogenoemde kantore, vir 'n tydperk van 32 dae vanaf 4 Junie 2019.

**Sluitingsdatum vir enige besware en/of verhoë:** 6 Julie 2019

**Adres van gemagtigde agent:** Jeff de Klerk, Posbus 105, Ifafi, 0260, Telefoonnommers (012) 259 1688 / 082 229 1151

**Publikasiedatums van kennisgewing:** 4 Junie 2019 en 11 Junie 2019 (Noordwes Provinsiale Koerant) en, 6 Junie 2019 en 13 Junie 2019 (Kormorant).

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**NOTICE 69 OF 2019**

NOTICE IN TERMS OF SECTION 17(1) OF THE RUSTENBURG LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2018 FOR A CHANGE OF LAND USE RIGHTS, KNOWN AS A REZONING.

**RUSTENBURG AMENDMENT SCHEME 1934**

I, KW Rost (ID nr 760721 5043 08 9) of Townscape Planning Solutions CC (Reg nr 2000/045930/23), being the authorised agent of the owner of Portion 220 of the farm Kroondal 304, Registration Division J.Q., North West Province hereby gives notice in terms of Section 17(1)(d) of the Rustenburg Local Municipality Spatial Planning and Land Use Management By-Law, 2018, that I have applied to the Rustenburg Local Municipality for the change of land use rights also known as rezoning with the following proposals:

- A) The rezoning of Portion 220 of the farm Kroondal 304, Registration Division J.Q., North West Province, situated at the south eastern corner of the intersection of road D108 & Ikemeleng Street, from "Agricultural" to "Special" for a filling station, as defined in Annexure 2234 to the Scheme.
- B) All properties situated adjacent to Portion 220 of the farm Kroondal 304, Registration Division J.Q., North West Province, could thereby be affected by the application.
- C) The property is currently undeveloped. The application entails the development of the property for the purpose of a filling station with ancillary and subservient uses, as defined in Annexure 2234, with a maximum height of two (2) storeys, and a maximum coverage of 70%.

Particulars of the application will lie for inspection during normal office hours at the office of the Municipal Manager: Room 319, Missionary Mpheni House, c/o Nelson Mandela and Beyers Naude Drive, Rustenburg for a period of 28 days from **4 June 2019**.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at P.O Box 16, Rustenburg, 0300 within a period of 28 days from **4 June 2019**.

Address of applicant: Townscape Planning Solutions, P.O. Box 20831, Noordbrug, 2522, Tel: 082 662 1105  
Our ref: P18645\_GP Gazette

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**KENNISGEWING 69 VAN 2019**

KENNISGEWING INGEVOLGE ARTIKEL 17(1) VAN DIE RUSTENBURG PLAASLIKE MUNISIPALITEIT RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUUR VERORDENING, 2018, VIR 'N VERANDERING VAN GRONDGEBRUIKSREGTE, BEKEND AS 'N HERSONERING

**RUSTENBURG WYSIGINGSKEMA 1934**

Ek, KW Rost (ID nr 760721 5043 08 9), van Townscape Planning Solutions BK (Reg nr 2000/045930/23), synde die gemagtigde agent van die eienaar van Gedeelte 220 van die Plaas Kroondal 304, Registrasie Afdeling J.Q., Noordwes Provinsie, gee hiermee ingevolge Artikel 17(1)(d) van die Rustenburg Plaaslike Munisipaliteit Ruimtelike Beplanning en Grondgebruikbestuur Verordening, 2018, kennis dat ons by die Rustenburg Plaaslike Munisipaliteit aansoek gedoen het vir die verandering van grondgebruiksregte ook bekend as Hersonerings met die volgende voorstelle:

- A) Die hersonerings van Gedeelte 220 van die Plaas Kroondal 304, Registrasie Afdeling J.Q., Noordwes Provinsie, geleë op die suidoostelike hoek van die interseksie van pad D108 en Ikemelengstraat, vanaf "Landbou" na "Spesiaal" vir 'n vulstasie soos omskryf in bylaag 2234 tot die skema.
- B) Alle eiendomme geleë aangrensend tot Gedeelte 220 van die Plaas Kroondal 304, Registrasie Afdeling J.Q., Noordwes Provinsie, kan moontlik deur die aansoek geraak word.
- C) Die eiendom is tans onontwikkel. Die aansoek het ten doel om 'n vulstasie met aanverwante en ondergeskikte gebruike op te rig, soos omskryf in Bylaag 2234, met 'n maksimum hoogte van twee (2) verdiepings en maksimum dekking van 70%.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die Munisipale Bestuurder, Kamer 319, Missionary Mpheni House, h/v Nelson Mandela- en Beyers Naude Rylaan, Rustenburg vir 'n tydperk van 28 dae vanaf **4 Junie 2019**.

Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf **4 Junie 2019** skriftelik tot die Munisipale Bestuurder by bovermelde adres of by Posbus 16, Rustenburg, 0300 ingedien of gerig word.

Adres van applikant: Townscape Planning Solutions, Posbus 20831, Noordbrug, 2522, Tel: 082 662 1105  
Verw.: P18645\_GP Gazette

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## NOTICE 70 OF 2019

## CITY OF MATLOSANA

## AMENDMENT SCHEME 1219 (REZONING), AND ANNEXURE 1158

I, Joze Maleta, being the authorized agent of the owners of Erf 24, Charlcor Beleggings (Pty) Ltd. Registration No. 2012/050409/07, situated on the corner of Buffelsdoorn Road and Roma Avenue, Township Flamwood, North West Province, hereby give notice in terms of Sections 41(1)(a)(b), (2)(d)(e) and 42(1) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), read together with Sections 62(1), 63(2), 94(1)(a), 95(1) and 96 of the City of Matlosana Spatial Planning and Land Use Management By-law, 2016 (SPLUMA By-law), read with Sections 56(1)(b)(i) of the Town Planning and Township Ordinance, (Transvaal), 1986 (Ordinance 15 of 1986), that I have applied to the City of Matlosana Local Municipality for the amendment of the Klerksdorp Land Use Management Scheme, 2005 for a change of land use rights (also known as rezoning) of the Property as well as for the removal of restrictive title deed conditions which is restrictive of Erf 24. **(A)** The intension is to rezone Erf 24 from **“Special”** to **“Special”** for Business 2, Vehicle Show Room, Administrative Offices, Retail in New and Second Hand Vehicles, Banking Facilities and related purposes with the special consent of the Local Authority, as defined in Amended Scheme 1219 and Annexure 1158; **(B)** Removal of Restrictive Conditions A(b) & B(a), (c), (d); **(C)** The following adjacent properties: Erf 976 Wilkoppies Extension 21, Erven 426 – 428 Wilkoppies Extension 4 as well as Erven 9, 10, 23, 25 and 26 Flamwood as well as others in the vicinity of the Property could possibly be affected hereby.

Any objection or comments including the grounds pertaining thereto and contact detail according to Section 99, shall be lodged within a period of 30 days from the date of first publication of the notice in the Provincial Gazette, Beeld and Citizen Newspaper in writing during normal office hours to the City of Matlosana local Municipality: office of the Municipal Manager, Records, Basement, Municipal Building, Bram Fischer Street, Klerksdorp or to PO Box 99, Klerksdorp, 2570. Any person who cannot write may during office hours attend at the address mentioned above where the officials of the town planning section will assist that person to transcribe that person's objections or comments. Full particulars of the Application and plans (if any) may be inspected and viewed during normal office hours at the above-mentioned offices, for a period of 30 days from the date of first publication of the notice in the Provincial Gazette, Beeld and Citizen Newspaper. Closing date for any objections: 10 July 2019 Address of the applicant: Mr. Joze Maleta, P.O. Box 1372, Klerksdorp, 2570, Telephone number: 018 462 1991, [info@jmland.co.za](mailto:info@jmland.co.za). Dates of publication of notices: 11 June 2019 and 18 June 2019.

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**KENNISGEWING 70 VAN 2019****STAD VAN MATLOSANA PLAASLIKE MUNISIPALITEIT****WYSIGINGSKEMA 1219 (HERSONERING), EN BYLAAG 1158**

Ek Joze Maleta, synde die gemagtigde agent van die eienaars van Erf 24, Charlcot Beleggings (Pty) Ltd. Registration No. 2012/050409/07, geleë op die hoek van Buffelsdoorn Weg en Roma Laan, Dorp Flamwood, Noord-Wes Provinsie, gee hiermee ingevolge Artikel 41(1)(a)(b),(2)(d)(e) en 42(1) van die Wet op Ruimtelike Beplanning en Grondgebruikbestuur, 2013 (Wet 16 van 2013), saamgelees met Artikels 62(1), 63(2), 94(1)(a), 95(1) en 96 van die Stad van Matlosana Plaaslike Munisipaliteit se Ruimtelike Beplanning en Grondgebruikbestuurverordening, 2016 (SPLUMA By-wette), asook Artikels 56(1)(b)(i) van die Ordonansie op Dorpsbeplanning en Dorpe, (Transvaal), 1986 (Ordonansie 15 van 1986), kennis dat ek aansoek gedoen het by die Stad van Matlosana Plaaslike Munisipaliteit vir die wysiging van die Klerksdorp Grondgebruikbestuurskema, 2005 vir 'n verandering van grondgebruiksregte (ook bekend as hersonering) van die eiendom asook vir die verwydering van beperkende titelakte voorwaardes wat beperkend is tot Erf 24. **(A)** Die voorneme is om Erf 24 te hersoneer vanaf **“Spesiaal”** na **“Spesiaal”** vir Besigheid 2, asook vir die doeleindes van 'n motor vertoonlokaal, administratiewe kantore, handel in nuwe en tweedehandse voertuie, bank fasiliteite en verwante doeleindes met die spesiale toestemming van die Plaaslike Owerheid, soos omskryf in die Wysigingskema 1219 en Bylaag 1158; **(B)** Verwydering van Beperkende Title Voorwaardes A(b) & B(a), (c), (d); **(C)** Die volgende aangrensende eiendomme naamlik Erf 976 Wilkoppies Uitbreiding 21, Erwe 426 – 428 Wilkoppies Uitbreiding 4, Erwe 9, 10, 23, 25 en 26 Flamwood, asook eiendomme in die onmiddellike omgewing van die Eiendom kan moontlik hierdeur geraak word.

Enige besware of kommentaar, met gronde daarvoor asook kontakbesonderhede volgens Artikel 99, moet skriftelik ingedien word tydens gewone kantoorure binne n tydperk van 30 dae vanaf die datum van eerste publikasie van die kennisgewing in die Provinsiale *Gazette*, Beeld en Citizen Nuusblad na die Stad van Matlosana Plaaslike Munisipaliteit: Kantoor van die Munisipale Bestuurder, Bram Fischerstraat, Burgersentrum, Rekords afdeling, Keldervloer, Klerksdorp, 2570 of Posbus 99, Klerksdorp, 2570. Enige persoon wat nie kan skryf nie, kan tydens gewone kantoorure bogenoemde adres besoek waartydens die beamptes van die stadsbeplanningsafdeling daardie persoon behulpsaam sal wees ten einde hul besware of kommentare te transkribeer. Besonderhede van die Aansoek en planne (indien enige) is beskikbaar vir inspeksie en insae gedurende gewone kantoorure by die bovermelde kantore, vir n tydperk van 30 dae van die datum van eerste publikasie van die kennisgewing in die Provinsiale *Gazette*, Beeld en Citizen Nuusblad. Sluitingsdatum vir enige besware: 10 Julie 2019 Adres van die applikant: Mnr. Joze Maleta, Posbus 1372, Klerksdorp, 2570, Telefoon nommer: (018) 462 1991, info@jmland.co.za. Datums waarop kennisgewings gepubliseer sal word: 11 Junie 2019 en 18 Junie 2019.

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**NOTICE 71 OF 2019****NOTICE IN TERMS OF SECTION 17(1) AND SECTION 17(15) OF THE RUSTENBURG LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2018 FOR A CHANGE OF LAND USE RIGHTS, KNOWN AS A REZONING AS WELL AS A SUBSEQUENT SUBDIVISION. RUSTENBURG AMENDMENT SCHEME 1959**

I, Dawid Jacobus Bos (ID No: 571216 5113 08 0), of the firm Maxim Planning Solutions (Pty) Ltd (2002/017393/07), being the authorised agent of the owners of Erf 1141, Proteapark Extension 1, Registration Division J.Q., North West Province hereby gives notice in terms of Section 17(1)(d) and Section 17(15) of the Rustenburg Local Municipality Spatial Planning and Land Use Management By-Law, 2018, that I have applied to the Rustenburg Local Municipality for the change of land use rights also known as rezoning as well as the subsequent subdivision, with the following proposals: A) The rezoning of the property described above, situated at 30 Essenhout Avenue, Proteapark Extension 1, from "Residential 1" to "Residential 1" with a density of 20 units per hectare. The subsequent subdivision will then divide the above-mentioned property into two (2) portions. B) All properties situated adjacent to Erf 1141, Proteapark Extension 1, Registration Division J.Q., North West Province, could thereby be affected by the application. C) The application entails that Erf 1141, Proteapark Extension 1, on which there are two (2) approved dwelling units, be rezoned for the purpose of subdividing the erf into two (2) portions so that both dwelling units can operate on their own independent stands, as defined in Annexure 2059, with a maximum height of two (2) storeys, a maximum F.A.R of 0.45 and a maximum coverage of 50%.

Particulars of the application will lie for inspection during normal office hours at the office of the Municipal Manager, Room 319, Missionary Mpheni House, corner of Nelson Mandela- and Beyers Naude Drive, Rustenburg for the period of 28 days from **11 June 2019**. Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at P.O. Box 16, Rustenburg, 0300 within a period of 28 days from **11 June 2019**.

**Address of authorised agent: Maxim Planning Solutions (Pty) Ltd (2002/017393/07), @ Office Building, 67 Brink Street, Rustenburg, P.O. Box 21114, Proteapark, 0305, Tel: (014) 592-9489. (2/1851/R/L)**

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**KENNISGEWING 71 VAN 2019****KENNISGEWING INGEVOLGE ARTIKEL 17(1) EN ARTIKEL 17(15) VAN DIE RUSTENBURG PLAASLIKE MUNISIPALITEIT RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUUR VERORDENING, 2018 VIR 'N VERANDERING VAN DIE GRONDGEBRUIKSREGTE, BEKEND AS 'N HERSONERING EN DIE DAAROPEENVOLGENDE ONDERVERDELING. RUSTENBURG WYSIGINGSKEMA 1959**

Ek, Dawid Jacobus Bos (ID No: 571216 5113 08 0), van die firma Maxim Planning Solutions (Edms) Bpk (2002/017393/07), synde die gemagtigde agent van die eienaars van Erf 1141, Proteapark Uitbreiding 1, Registrasie Afdeling J.Q., Noordwes Provinsie gee hiermee ingevolge Artikel 17(1)(d) en Artikel 17(15) van die Rustenburg Plaaslike Munisipaliteit Ruimtelike Beplanning en Grondgebruikbestuur Verordening, 2018 kennis dat ek by die Rustenburg Plaaslike Munisipaliteit aansoek gedoen het vir die verandering van grondgebruiksregte ook bekend as hersonering met die daaropeenvolgende onderverdeling met die volgende voorstelle: A) Die hersonering van die eiendom hierbo beskryf, geleë te Essenhoutlaan 30, Proteapark Uitbreiding 1, vanaf "Residensieel 1" na "Residensieel 1" met 'n digtheid van 20 eenhede per hektaar. Die daaropeenvolgende onderverdeling sal dan die bostaande eiendom in twee (2) verdeel. B) Alle eiendomme geleë aanliggend tot Erf 1141, Proteapark Uitbreiding 1, Registrasie Afdeling J.Q., Noordwes Provinsie, kan moontlik deur die aansoek geraak word. C) Die aansoek behels dat Erf 1141, Proteapark Uitbreiding 1, waarop daar twee (2) goedgekeurde wooneenhede is, gehersoneer sal word vir die doeleindes om die erf dan in twee (2) gedeeltes te onderverdeel sodat albei wooneenhede op hul eie onafhanklike erwe kan funksioneer, soos omskryf in Bylae 2059, met 'n maksimum hoogte beperking van twee (2) verdiepings, 'n maksimum V.O.V van 0.45 en 'n maksimum dekking van 50%.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Kamer 319, Missionary Mpheni House, hoek van Nelson Mandela-en Beyers Naude Rylaan, Rustenburg vir 'n tydperk van 28 dae vanaf **11 Junie 2019**. Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf **11 Junie 2019** skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by Posbus 16, Rustenburg, 0300 ingedien of gerig word.

**Adres van gemagtigde agent: Maxim Planning Solutions (Edms) Bpk (2002/017393/07), @ Office Gebou, Brinkstraat 67, Rustenburg, Posbus 21114, Proteapark, 0305, Tel: (014) 592-9489. (2/1851/R/L)**

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## PROCLAMATION • PROKLAMASIE

## PROCLAMATION 28 OF 2019

**NOTICE OF AN APPROVAL OF AN AMENDMENT SCHEME IN TERMS OF SECTION 17(1)(V) OF RUSTENBURG LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANGEMENT BY-LAW, 2018.****RUSTENBURG LOCAL MUNICIPALITY; RUSTENBURG AMENDMENT SCHEME 1872 AND 1904**

It is hereby notified in terms of the provisions of Section 17(1)(v) of the Rustenburg Local Municipality Spatial Planning and Land Use Management By-Law, 2018, that the Rustenburg Local Municipality has approved the application for the amendment of the Rustenburg Land Use Scheme, 2005 being the rezoning of the under mentioned properties from its present zoning to the new zoning, as indicated below, subject to certain further conditions:

<b>Scheme number</b>	<b>Property description</b>	<b>Present Zoning</b>	<b>New Zoning</b>
1872	Portion 138 (a portion of Portion 81) of the Farm Waterval 306 JQ	"Agriculture"	"Special" for purposes of a Building Yard including crushing and screening of stone/slag, subject to conditions as contained in Annexure 2184.
1904	Remaining Extent of Erf 1173, Cashan	"Residential 1"	"Residential 1" including a guesthouse restricted to 10 bedrooms, subject to conditions as contained in Annexure 2205.

Land Use Scheme and the scheme clauses and Annexures of these amendment schemes are filed with the Municipality and are open for inspection during normal office hours. These amendments are known as Rustenburg Amendment Scheme 1872 and 1904 **respectively** and shall come into operation on the date of publication of this notice.

**ACTING MUNICIPAL MANAGER:** E. Komane

## PROKLAMASIE 28 VAN 2019

**KENNISGEWING VAN 'N GOEDKEURING VAN 'N WYSIGINGSKEMA IN TERME VAN ARTIKEL 17(1)(V) VAN DIE RUSTENBURG PLAASLIKE MUNISIPALITEIT RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUUR VERORDENING, 2018. RUSTENBURG PLAASLIKE MUNISIPALITEIT****RUSTENBURG WYSIGINGSKEMA 1872 EN 1904**

Hiermee word kennis gegee in terme van die bepalings van Artikel 17(1)(v) van die Rustenburg Plaaslike Munisipaliteit Ruimtelike Beplanning en Grondgebruikbestuur Verordening, 2018, dat die Rustenburg Plaaslike Munisipaliteit die wysiging van die Rustenburg Grondgebruikbestuur Skema, 2005, goedgekeur het deur die hersonering van die eiendomme hieronder genoem vanaf hulle huidige sonering na die nuwe sonering soos hieronder teenoor die eiendom aangetoon, onderworpe aan sekere voorwaardes:

<b>Skema nommer</b>	<b>Grondbeskrywing</b>	<b>Huidige Sonering</b>	<b>Nuwe Sonering</b>
1872	Gedeelte 138 ('n gedeelte van Gedeelte 81) van die Plaas Waterval 306 JQ	"Landbou"	"Spesiaal" vir 'n Bouerswerf insluitend die Breking en Sortering van Klip/Slak soos omskryf in Bylae 2184
1904	Resterende Gedeelte van Erf 1173, Cashan	"Residensieël 1"	"Residensieël" insluitend 'n gastehuis beperk tot 10 kamers, onderhewig aan voorwaardes soos vervat in Bylaag 2098.

Grondgebruikskema en die skema klousules en Bylae van hierdie wysigingskemas is gestoor by die Munisipaliteit en is beskikbaar vir inspeksie gedurende normale kantoorure. Hierdie wysigingskemas staan bekend as Rustenburg Wysigingskema 1872 en 1904 onderskeidelik en sal in werking tree op die datum van publikasie van hierdie kennisgewing. **WAARNEMENDE MUNISIPALE BESTUURDER:** E. Komane

## PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

## PROVINCIAL NOTICE 99 OF 2019

**NOTICE IN TERMS OF SECTION 17(1) OF THE RUSTENBURG LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2018 FOR A CHANGE OF LAND USE RIGHTS KNOWN AS A REZONING. RUSTENBURG AMENDMENT SCHEME 1962**

The firm NE Town Planning CC (Reg Nr: 2008/2492644/23), being the authorised agent of the owner of **Portion 1 of Erf 74, Cashan, Rustenburg, Registration Division J.Q., North West Province** hereby give notice in terms of Section 17(1)(d) of the Rustenburg Local Municipality Spatial Planning and Land Use Management By-Law, 2018 that we have applied to the Rustenburg Local Municipality for a change of land use rights also known as rezoning of the property described above, situated, on Kloof Road between Nr. 1 Fourth Ave and Nr 2 Third Ave, Cashan, from "Residential 1" to "Residential 1" including an accommodation enterprise as defined in Annexure 2262 to the Scheme. This application contains the following proposals: A) That the property will be used for an Accommodation Enterprise with a maximum of 8 bedrooms. B) The adjacent properties as well as properties in the area, could thereby be affected. C) The rezoning from "Residential 1" to "Residential 1" including an accommodation enterprise entails that the building will utilised for the purposes mentioned above with the following development parameters as contained in Annexure 2262 of the Scheme: Max Height: 2 Storeys, Max Coverage: 65% and F.A.R: 0.2. Any objection or comments, with the grounds therefore and contact details, shall be lodged within a period of 28 days from the first date on which the notice appeared, with or made in writing to: Municipality at: **Room 319, Missionary Mpheni House, cnr. Nelson Mandela and Beyers Naude Drives, Rustenburg, or to PO Box 16, Rustenburg 0300.** Full particulars and plans (if any) may be inspected during normal office hours at the above-mentioned offices, for a period of 28 days from the date of first publication of the advertisement in the Provincial Gazette, Beeld and Citizen and/or Site Notice. Closing date for any objections : **2 July 2019.** Address of applicant NE Town Planning CC, **155 Kock Street, Suite 204, De Dak, Rustenburg 0299 or P.O. Box 5717, RUSTENBURG, 0300;** Telephone No: 014 592 2777. Dates on which notice will be published: **4 and 11 June 2019.**

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## PROVINSIALE KENNISGEWING 99 VAN 2019

**KENNISGEWING INGEVOLGE ARTIKEL 17 (1) VAN DIE RUSTENBURG PLAASLIKE MUNISIPALITEIT RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUURS VERORDENING, 2018 VIR 'N VERANDERING VAN DIE GRONDGEBRUIKSREGTE BEKEND AS 'N HERSONERING. RUSTENBURG WYSIGINGSKEMA 1962**

Die firma NE Town Planning BK (Reg Nr: 2008/2492644/23), synde die gemagtigde agent van die eienaar van **Gedeelte 1 van Erf 74, Cashan, Rustenburg, Registrasie Afdeling J.Q., Noord-Wes Provinsie**, gee hiermee ingevolge, Artikel 17(1)(d) van die Rustenburg Plaaslike Munisipaliteit Ruimtelike Beplanning en Grondgebruikbestuur Verordening, 2018 kennis dat ons by Rustenburg Plaaslike Munisipaliteit aansoek gedoen het vir die verandering van die grondgebruikregte, ook bekend as die hersonering van die eiendom hierbo beskryf, geleë te Kloofweg, tussen Vierde Laan 1 en Dordelaan 2 Cashan vanaf "Residensieël 1" na "Residential 1" insluitend 'n akkommodasie onderneming soos omskryf in Bylae 2262 tot die Skema. Hierdie aansoek behels A) dat die eiendom hoofsaaklik gebruik sal word as 'n akkommodasie onderneming met 'n maksimum van 8 slaapkamers. B) Die aangrensende eiendomme asook eiendomme in die omgewing kan moontlik hierdeur geraak word. C) Die hersonering van "Residensieël 1" na "Residentsieel 1" vir 'n akkommodasie onderneming behels dat die bestaande geboue gebruik sal word vir die doeleindes soos hierbo genoem en bevat die volgende ontwikkelingsparameters soos vervat in Bylaag 2262 van die Skema: Maks Hoogte: 2 verdiepings, Max dekking 65% en F.A.R: 0.2. Enige besware of kommentaar, met gronde daarvoor asook kontakbesonderhede, kan gebring word binne 'n tydperk van 28 dae vanaf die eerste datum waarop die kennisgewing verskyn het na die **Munisipaliteit: Kamer 319, Missionary Mpheni House, h.v. Nelson Mandela en Beyers Naude Rylane, Rustenburg, of na Posbus 16, Rustenburg 0300**. Besonderhede en planne (indien enige) is beskikbaar vir inspeksie gedurende gewone kantoorure by die bovermelde kantore, vir 'n tydperk van 28 dae van die datum van eerste publikasie van die kennisgewing in die Provinsiale Gazette, Beeld en Citizen en/of terrein kennisgewing. Sluitingsdatum vir enige besware: **2 Julie 2019**. Adres van applikant: **155 Kockstraat, Suite 204, De Dak, Rustenburg 0299 of NE Stadsbeplanners BK, Posbus 5717, RUSTENBURG, 0300; Telefoon nr: 014 592 2777**. Datums waarop kennisgewings gepubliseer word: **4 en 11 Junie 2019**.

04-11

## PROVINCIAL NOTICE 100 OF 2019

**NOTICE IN TERMS OF SECTION 17(1) OF THE RUSTENBURG LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2018 FOR A CHANGE OF LAND USE RIGHTS KNOWN AS A REZONING. RUSTENBURG AMENDMENT SCHEME 1955**

The firm NE Town Planning CC (Reg Nr: 2008/2492644/23), being the authorised agent of the owner of **the Remainder of Erf 980, Rustenburg, Registration Division J.Q., North West Province** hereby give notice in terms of Section 17(1)(d) of the Rustenburg Local Municipality Spatial Planning and Land Use Management By-Law, 2018 that we have applied to the Rustenburg Local Municipality for a change of land use rights also known as rezoning of the property described above, situated at 68 Zendeling Street, Rustenburg, from "Residential 2" to "Special" for Offices, Medical Consulting Rooms and Dwelling Units as defined in Annexure 2055 to the Scheme. This application contains the following proposals: A) That the property will be used for offices, medical consulting rooms and dwelling units. B) The adjacent properties as well as properties in the area, could thereby be affected. C) The rezoning from "Residential 2" to "Special" entails that the existing buildings will be converted and utilised for the purposes mentioned above with the following development parameters as contained in Annexure 2055 of the Scheme: Max Height: 4 Storeys, Max Coverage: 65%, FAR: 0.60. Any objection or comments, with the grounds therefore and contact details, shall be lodged within a period of 28 days from the first date on which the notice appeared, with or made in writing to: Municipality at: **Room 319, Missionary Mpheni House, cnr. Nelson Mandela and Beyers Naude Drives, Rustenburg, or to PO Box 16, Rustenburg 0300**. Full particulars and plans (if any) may be inspected during normal office hours at the above-mentioned offices, for a period of 28 days from the date of first publication of the advertisement in the Provincial Gazette, Beeld and Citizen and/or Site Notice. Closing date for any objections: **2 July 2019**. Address of applicant NE Town Planning CC, **155 Kock Street, Suite 204, De Dak, Rustenburg 0299 or P.O. Box 5717, RUSTENBURG, 0300; Telephone No: 014 592 2777**. Dates on which notice will be published: **4 and 11 June 2019**.

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## PROVINSIALE KENNISGEWING 100 VAN 2019

**KENNISGEWING INGEVOLGE ARTIKEL 17 (1) VAN DIE RUSTENBURG PLAASLIKE MUNISIPALITEIT RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUURS VERORDENING, 2018 VIR 'N VERANDERING VAN DIE GRONDGEBRUIKSREGTE BEKEND AS 'N HERSONERING. RUSTENBURG WYSIGINGSKEMA 1955.**

Die firma NE Town Planning BK (Reg Nr: 2008/2492644/23), synde die gemagtigde agent van die eienaar van die **Restant van Erf 980, Rustenburg, Registrasie Afdeling J.Q., Noord-Wes Provinsie**, gee hiermee ingevolge, Artikel 17(1)(d) van die Rustenburg Plaaslike Munisipaliteit Ruimtelike Beplanning en Grondgebruikbestuur Verordening, 2018 kennis dat ons by Rustenburg Plaaslike Munisipaliteit aansoek gedoen het vir die verandering van die grondgebruikregte, ook bekend as die hersonering van die eiendom hierbo beskryf, geleë te Zendelingstraat 68, Rustenburg, vanaf “Residentieël 2” na “Spesiaal” vir Kantore, Mediese Spreekkamers en Wooneenhede soos omskryf in Bylae 2055 tot die Skema. Hierdie aansoek behels A) dat die eiendom hoofsaaklik gebruik sal word vir Kantore, Mediese Spreekkamers en Wooneenhede. B) die aangrensende eiendomme asook eiendomme in die omgewing kan moontlik hierdeur geraak word. C) Die hersonering van “Residentieël 2” na “Spesiaal” vir Kantore, Mediese Spreekkamers en Wooneenhede behels dat die bestaande geboue omgeskakel en gebruik sal word vir die doeleindes soos hierbo genoem en bevat die volgende ontwikkelingsparameters soos vervat in Bylaag 2055 van die Skema: Maks Hoogte: 4 verdiepings, Max dekking: 65%, VOV:0.60. Enige besware of kommentaar, met gronde daarvoor asook kontakbesonderhede, kan gebring word binne ‘n tydperk van 28 dae vanaf die eerste datum waarop die kennisgewing verskyn het na die **Munisipaliteit: Kamer 319, Missionary Mpheni House, h.v. Nelson Mandela en Beyers Naude Rylane, Rustenburg, of na Posbus 16, Rustenburg 0300**. Besonderhede en planne (indien enige) is beskikbaar vir inspeksie gedurende gewone kantoorure by die bovermelde kantore, vir ‘n tydperk van 28 dae van die datum van eerste publikasie van die kennisgewing in die Provinsiale Gazette, Beeld en Citizen en/of terrein kennisgewing. Sluitingsdatum vir enige besware: **2 July 2019**. Adres van applikant: **155 Kockstraat, Suite 204, De Dak, Rustenburg 0299 of NE Stadsbeplanners BK, Posbus 5717, RUSTENBURG, 0300; Telefoon nr: 014 592 2777**. Datums waarop kennisgewings gepubliseer word: **4 en 11 Junie 2019**.

04-11

PROVINCIAL NOTICE 102 OF 2019

# **RUSTENBURG LOCAL MUNICIPALITY**



## **OUTDOOR ADVERTISING BY- LAW NO. 1 OF 2019**

The Municipal Manager hereby publishes in terms of Section 12 and 13 of the Local Government: Municipal System Act, 2000 (Act 32 of 2000) as amended, read with Section 162 of the Constitution of the Republic of South Africa, Act 1996 (Act 108 of 1996).

The by-law relating to Fire Brigade Services, of which shall come into operation on the date of publication thereof.



**RUSTENBURG LOCAL MUNICIPALITY  
OUTDOOR ADVERTISING BY-LAWS**

The Municipal Manager of Rustenburg Local Municipality hereby publishes the reviewed Rustenburg Local Municipality Outdoor Advertising By-Laws, in terms of Section 13(a) of the Local Government Municipal Systems Act, no. 32 of 2000, which is to be known as Rustenburg Local Municipality Outdoor Advertising By-Laws, 2018 as approved by its Council.

This By-Laws repeals the Rustenburg Local Municipality Outdoor Advertising By-Laws of 1998.

**PREAMBLE**

The quality of a lived experience of any person in an area depends on the visual, environmental, social and safety characteristics of that place. Tourism and economic development demand that visitors be provided with knowledge, directions and information of key sights and places that provide necessary services. This requires that adequate information on directions to places of interest be displayed appropriately, be easy to use and not detract from the safety of users and the aesthetics of the environment.

Control and management of outdoor advertisements, marketing products and other visual media is key to the sustainability of the environment, cleanliness, legal compliance and safety of residents and businesses. Municipalities are tasked with the function of managing outdoor advertisements, billboards and other media, to ensure that targeted users are protected always.



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## PART 1: FRAMEWORK

### 1. Definitions

In these By-Laws, the following terms, words or expression shall hold the meaning assigned to it unless the context indicates otherwise:

**“advertisement” means** a representation of a product, message, announcement in the form of a logo, picture, image, sign, art, figure, drawing, fliers, posters, lighting and any other designed graphic medium that is displayed on private property, municipal, regional, provincial or national roads and reserves **within the jurisdiction of the city/council**; and viewed in a public space, to inform readers or the public of a product, entertainment event, message, business, enterprise, facility, person, headline news, activities related to public benefit projects, religious, educational, social, health, safety, security and government meetings; that is subject to the provisions of all applicable regulations, By-Laws and other legislation;

**“advertising sign” means** an object that is used to depict an advertisement as defined above that is in the form of a structure, device, object, screen; affixed to a wall or fence; freestanding or in a fixed position; billboards, any device that is a three-dimensional depiction of a product; that is displayed on private property, municipal, regional, provincial or national roads and reserves; and viewed in a public place, that is subject to the provisions of all applicable regulations, By-Laws and other legislation;

**“advertising” means** the act or process of displaying an advertisement;

**“advertise” means** announce, broadcast, publicise, promote, market, present, make public, spread or inform

**“approval (written)” means** approval presented in writing by the Municipal Manager for the purposes of this By-Laws

**“advertisement frame” means** such frame as specified, and which is to be affixed to a lamppost to secure and display an advertising sign

**“advertising sign” means** outdoor advertising signs, Placards, boards, notices or posters displayed outdoors in advertising frames affixed to a lamppost wholly or partially

**“advertising device” means** any physical device used to display an advertisement, or which is a model of an advertised product

**“advertising hoarding” means** a screen, fence, wall, other structure in a fixed position to be used, or intended to be used, for posting, displaying or exhibiting any advertisement

**“advertising structure” means** any physical device used to display an advertisement, or which is an advertisement

**“Municipal Manager” means a Municipal Manager as appointed from time to time; or anyone employed by the council with the appropriate delegated authority**

**“affix” means** includes to paint onto, attach, fasten, stick or glue

**“animation” means** a process whereby an advertisement visibility or message is enhanced by means of moving units, flashing lights, simulation of motion or similar effects

**“aerial signs” means** a sign in the form of an air balloon or a sign which the Rustenburg Local Municipality has authorised to be exhibited or displayed in the air by means of balloons, search lights, aeroplanes or any similar device or machine or method over any part of the area under the jurisdiction of the municipality

**“aerial road” means** a road which, in the opinion of the municipality, functions as a main carrier of traffic within an urban area

**“backlight unit (backlit)” means** an advertising structure which house illumination in a box to throw light through translucent advertising printed on plastic to heavy duty paper for a higher visibility and extended night viewing

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

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

**“basic landscape sensitivity” means** indicates the visual or aesthetic sensitivity of the landscape about outdoor advertisements and design in terms of three basic landscape types, which are, in order of sensitivity, natural, rural and urban landscapes

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

**“bit” means** a basic unit for measuring the length of advertising messages and may consist of letters, digits, symbols, characters, logos, graphics, illustrations, acronyms or abbreviations. For the purposes of this By-Laws bit values shall be measured as follows:

Words: “a”, “an”, “the”, “than”, “and”,	0.25 bit
Words with up to and including eight letters	1.0 bit
Words of more than eight letters	2.0 bit
Numbers of up to and including four digits	0.5 bit
Numbers of five to ten digits	1.0 bit

Symbols, characters, acronyms or abbreviations	0.5 bit
Logos and graphics	0.5 bit

**“blind”** means a vertical screen attached to shop windows or verandas in order to keep sun and rain from shop front and sidewalks, and which may be rolled up when not in use.

**“blimp”** means a gas-inflated balloon or other object, including any such object capable of carrying passengers, which is attached or anchored to the ground upon which an advertisement is displayed

**“building”** means any structure whatsoever with or without walls, having a roof or canopy and a normal means of ingress and egress under such roof or canopy

**“building line”** means a building line determined under an applicable town planning scheme or any other law or document that has the force of law

**“building schedule”** means a development programme for the construction or renovation of a building or structure specifying the different phases of the development or renovation and the type of construction prepared by a person undertaking the activities concerned

**“Bus Rapid Transit system”** means the public transport system as approved by Council;

**“bus shelter display”** means posters positioned as an integral part of a free-standing covered structure at a bus stop

**“clear height”** means the vertical distance between the lowest edge of an advertising sign and the level of the ground, footway or roadway immediately below such sign

**“combination sign”** means a single freestanding structure specially designed to accommodate and display more than one advertising sign for a location such as a roadside service area, shopping centre, office park, industrial park and other urban complexes

**“composite sign”** means a sign linked to a standard background of a specific size similar to a poster board on which logos or other tourist related information can be attached

**“construction site”** means a property or portion of a property on which any building or structure is being constructed after building plans have been approved in terms of the National Building Regulations and Building Standards Act, or provisional authorisation has been granted in terms of Section 7(6) of that Act, or a property or portion of a property on which any building or portion of a building is to be demolished after a demolition permit has been issued in terms of the said Act

**“copy”** means the complete advertising message to be displayed on the advertising structure

**“council”** means the Rustenburg Local Municipality or its successor/s in-law or any officer employed by the Council or any committee designated by the Council, acting by a delegated authority vested in him/her or it by the Council in connection with the By-Laws

**“cut-outs”** means letters, packages, figures or mechanical devices attached to the face of an outdoor sign, which might extend beyond the rectangular area for the greater attention value, can provide a three-dimensional effect and are also commonly known as add-ons or embellishments

**“depth of a sign” means** the vertical distance between the uppermost and lowest edges of such sign

**“directional sign” means** a type of guidance sign provided under the South African Road Traffic Sign System and used to indicate to the road user, the direction to be taken in order that they may reach their intended destination

**“display of a sign” means** includes the erection of any structure if such a structure is intended solely or primarily for the support of such sign; and the expression “to display a sign” shall have a corresponding meaning

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

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

**“election material” means** advertisement or advertising device which is displayed or in any way visible and which is used in connection with any parliamentary, provincial or municipal election or by-election or referendum or any similar event

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

**“façade” means** the principal front or fronts of a building

**“flag” means** a piece of cloth or similar material upon which an advertisement is displayed, and which is attached to a single rope, pole or flagstaff projecting vertically in such a way that its contents are normally not legible in windless conditions but excludes –

- (a) a national flag which does not carry any advertisement in addition to the
- (b) design of the flag or flagstaff;
- (c) a flag carried as part of a procession; and
- (d) a flag which is not displayed on a flagstaff.

**“flashing sign” means** any illuminated sign with rhythmic, alternating intervals of light and dark that is visible to the public and meets the requirements of applicable regulations

**“flat sign” means** any sign which is affixed to or painted directly on a main wall and which at no point projects more than 250mm in front of the surface of such wall, but does not include a poster, provided, however, that a poster affixed to main wall shall

**“free-way” means** a road designated as freeway by means of road traffic sign or legislation

**“free-standing sign” means** any immobile sign which is not attached to a building or to any structure or object not intended to be used for the primary purpose of advertising

**“gantry” means** a freestanding advertising sign that extends over, or suspends across a public street erected for the sole purpose of displaying an advertisement

**“gateway” means** a prominent entrance to or exit from an urban area or a specific part of an urban area consisting of manmade or natural features and creating a strong sense of arrival or departure

**“ground sign” means** any sign detached from a building other than an aerial sign

**“height of a sign” means** the vertical distance between the uppermost and lowest edges of the sign

**“human living environment” means** all human settlements such as villages, towns or cities, which may consist of various components such as residential, employment and recreational areas and which require environmental management to provide services such as water, public spaces and waste removal and to protect the quality of the environment

**“illuminated” means** an advertising structure which has been installed with electrical or other power to illuminate the message of such a sign

**“illuminated sign” means** a sign, the continuous or intermittent functioning of which depends upon it being illuminated

**“inflated sign” means** A hoarding erecting and maintained by means of air used for posting or displaying any advertisement

**“interested party” means** any person who has in terms of these By-Laws applied or submitted comments or an objection or made representations in respect of any such application

**“intersection” means** an area embraced within the prolongation of the lateral boundary lines of two or more public streets, open to vehicular traffic, that join one another at any angle, whether or not one such public road crosses the other

**“locality-bound sign” means** a sign displayed on a specific site, premises or building and which refers to an activity, product, service or attraction located, rendered or provided on the premises or site or inside that building

**“location sign” means** a type of guidance sign provided under the South African Road Traffic Sign System and used to identify places or locations, which either provide reassurance during a journey

**“main roof of a building” means** any roof of a building other than the roof of a veranda or balcony

**“main wall of a building” means** any external wall of such building, but shall not include a parapet wall balustrade or railing of a veranda or a balcony

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

**“municipality” means** the Rustenburg Local Municipality, includes the Council of the Municipality, any duly authorised committee/s or employee/s thereof

**“Municipal Systems Act” means** the Local Government: Municipal **Systems** Act, 2000 (Act, No. 32 of 2000) and any regulations made thereunder

**“National Building Regulations and Building Standards Act” means** the National Building Regulations and Building Standards Act, 1977, (Act No. 103 of 1977), and any regulations made there under

**“National Environmental Management Act” means** the National Environmental Management Act, 1998 (Act No. 107 of 1998) and any regulations made there under



**“National Road Traffic Act” means** the National Road Traffic Act, 1996 (Act No. 93 of 1996), and any regulations made there under;

**“new sign” means** any sign first displayed after the promulgation of these By-Laws

**“on-premises advertising sign” means** an advertising sign located on

- (a) a property other than a public place; or
- (b) a public street and adjacent to a property contemplated in paragraph (a), on which sign an advertisement is displayed, advertising any business, industry, service, activity or attraction taking place on public place, Provincial or National Road within the municipal area of jurisdiction

**“owner” means** any person in possession of or receiving the rent or profits of such land or premises of such land or premises from a tenant or occupier thereof, or who would receive such rent or profits if such and or premises were let, whether on his own account or agent for any person entitled thereto or interested therein. The word owner

**“occupier” means** any person occupying or tenant of any property by means of a lease agreement

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

**“person” means** in relation to the display or alteration of or the addition to a sign, or in relation to the intended or attempted display or alteration of, or additional to a sign, shall include the person at whose instance such sign is displayed, altered or added to, or at who instance such sign is intended or attempted to be displayed, altered or added to, as the case may be; and the person who or whose goods, products, services, activities, property or premises, is or are referred to in such sign shall be deemed to be such person unless he proves the contrary

**“poster” means** any placard or similar device attached to some fixed object whereby any advertisement or notice is publicly displayed

**“projecting sign” means** any sign which is affixed to a main wall and which at some point projects more than 250mm in front of the surface of such wall

**“public place” means** any public place as defined in Section 2 of the Local Government Ordinance 1939 (Ordinance No 17 of 1939), **public place shall include any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavements, foot path sidewalk, lane, square, open space, garden, park enclosed space vested in town or village council under section 63 of this Ordinance the expression public place includes roads, place thoroughfare vested in and/or owned by council**

**“Public road” means** any road, street or thoroughfare or any other place **vested in and/or owned by council** which is commonly used by the public or any section thereof or to which the public or any such section thereof has a right of access, and includes:

- (a) the verge of any such road, street or thoroughfare;
- (b) the footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- (d) any other work or object belonging to such road, street or thoroughfare, footpath or sidewalk; and
- (e) any premises with or without structures thereon, used or set aside as a public parking area or public parking place for the parking of motor vehicles whether access or such a parking area or place is free of charge or not



**“pylon sign” means** any sign whether stationary or actuated, displayed on or forming and integral part of a pylon or mast or similar structure other than a building or advertising hoarding

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

**“road traffic sign” means** any road traffic sign as defined in the Road Traffic Act, No. 93 of 1996, the detailed dimensions and applications of which are controlled by the regulations to this Act and the South African Road Traffic Signs Manual

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

**“roadway” means** a portion of a public street which is improved, constructed or intended for vehicular traffic;

**“rotating sign” means** a sign, which rotates about any axis

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

**“scaffolding” means** a system of interlocking poles and bars used to provide support or access, or both, to a site for construction purposes as regulated by the South African Bureau of Standards code of practice (085, entitled The Design, Erection, Use and Inspection of Access Scaffolding)

**“scrolling advertising sign” means** an advertising sign which by mechanical means allows the rotation or changing of advertising faces to display different advertisements on one such sign

**“sign” means** any sign, signboard, screen, private lamp, blind or other device by means whereof any advertisement or notice is publicly displayed

**“sky sign” means** any sign that is fixed above the roof of a building other than a roof of a veranda or a balcony and shall include any such sign consisting of a single line of free standing, individual, cut-out, silhouette letters, symbol or emblems

**“spectacular” means** a custom-made billboard, which incorporates special effects such as internal illumination, cut-outs and a three-dimensional representation (advertising industry vocabulary)

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

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

**“street furniture advertisement” means** an advertisement displayed on any public facility or structure which is not primarily intended for advertising and includes a seating bench, plant box, sidewalk litter bin, pole-mounted litter bin, public transport shelter, sidewalk clock, suburban name sign and a street name and drinking fountain

**“street light pole advertising sign” means** an advertising sign fixed to or erected on a street light pole which pole vests in the Council or its Municipal Owned Entity

**“streetscape” means** the visual product of all the features within and adjacent to a public street such as street furniture, signage and landscaping

**“tariff” means** the charges as determined from time to time by Council in terms of legislation authorising Council to determine charges

**“temporary advertisement” means** signs and advertisements which are usually displayed on boards, shop/facility windows, leaflets, posters, banners, balloons, blimps etc., to publicise a forthcoming event or to advertise a short-term use of the advertisement at a specific site for periods between three (3) days up to a maximum of twenty-one (21) days

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

**“thickness of a projecting sign” means** the horizontal dimension of such sign measured parallel to the plane of the wall to which such sign is affixed

**“third-party advertising sign” means** an advertising sign located on a property upon which sign one or more advertisements are displayed which are not descriptive of any business, industry, service, activity or attraction situated, taking place or provided on that property

**“transit advertising” means** vehicular advertising means all advertising on normally moving vehicles including taxis, buses, trailers trams, vessels, etc.

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

**“urban design” means** the actions of conceiving and managing the special and aesthetic characteristics of urban space between and around buildings including physical elements that make up the streetscape and the combined visual effect of building facades and other structures

**“vehicular advertising signs” means** any advertising sign displayed on a vehicle, purpose made for advertising or promoting goods, services, events and parked to be stationary at an approved site for a period longer than 30 (thirty) minutes

**“veranda” means** a structure with a roof attached to or projecting from the façade of a building and supported along its free edge by columns or posts

**“voter registration” means** voter registration conducted by the Independent Electoral Commission established in terms of section 4 of the Independent Electoral Commission Act, 1993 (Act No. 15 of 1003), for any election

**“window signs” means** signs, which are permanently painted onto, or attached to the window-glass of a building

## 2. Application of these By-Laws

- (1) The By-Laws is designed to regulate all permanent or temporary outdoor advertising media, that is visible or placed on public spaces and buildings, placed on private properties, barriers, fences, boundary walls and any other medium that is visible to the public within the area of jurisdiction of the municipality
- (2) The By-Laws shall apply to all outdoor advertisements, billboards, directional signs and all other marketing media in the jurisdiction of Rustenburg Local Municipality
- (3) Any entity or person who wants to erect any sign or form of outdoor advertisement within the area under the jurisdiction of the Rustenburg Municipality, should adhere to the requirements set out in the municipality's By-Laws.

## 3. Regulatory requirements for all applications for Outdoor Advertising Signs

- (1) Applications must be lodged for all outdoor advertisements must comply with all the town planning and land use regulations of the municipality, irrespective of the type of advertisement, the zoning of the property and the objective of the advertisement
- (2) All applicants must ensure that their outdoor advertisements comply with provisions of all other applicable municipal By-Laws and regulations; without exceptions
- (3) In the event of any conflict between any provision of this by-law and National and Provincial legislation, standards, policies or guidelines, the National and Provincial legislation, standards, policies or guidelines shall prevail.

## PART 2: APPLICATIONS PROCEDURES FOR APPROVAL

### 4. Pre- Conditions for all Outdoor advertisements

- (1) All outdoor advertisements in the municipal area of jurisdiction must have written approval of the Municipal Manager, unless otherwise exempted in terms of the provisions of this By-Laws
- (2) All outdoor advertisements approved in terms of this By-Laws may not be altered, removed, defaced, damaged, upgraded, extended or re-erected without written approval of the Municipal Manager **other than change of the advertisement to be displayed thereon by the owner of the advertisement**
- (3) The applicant must request prior written approval of the Municipal Manager, should there be a need for maintenance, upkeep, upgrade or re-erection

## **5. Applications Requirements**

- (1) Applications for approval of outdoor advertisements, must be submitted in the prescribed form, completed and signed by the owner of the advertisement or by the owner of the property in which the advertisement will be displayed;
- (2) All applications must contain the following supplements:
  - (a) An approved form, with a written consent of the owner of the advertisement, or an authorised agent of the building or property on which the advertisement will be erected
  - (b) A copy of the title deed of the property
  - (c) A zoning certificate of the property
  - (d) Proof of compliance with other applicable National Legislation and other applicable Municipal By-Laws;
- (3) A prescribed fee as determined in Schedule C of these By-Laws
- (4) The area in which the advertisement will be erected, including
  - (a) The locality of the area
  - (b) The position of the advertisement
  - (c) The street and group of buildings adjacent to the position of the advertisement
  - (d) Indicate the distance from the street, servitudes, road reserves and position of property boundaries bordering the advertisement
  - (e) Indicate the distance of the proposed sign in relation to other advertisements that have already been erected in the vicinity
- (5) The designs, colours and dimensions of the advertisement that include;
  - (a) Artistic impressions of the advertisements
  - (b) Details of measurements of the advertisement
  - (c) Diagram of the building or property indicating the position of the advertisement
- (6) An Environmental Impact Assessment (EIA) in terms of the Environmental Conservation Act, for advertising signs that exceed  $4.5m^2$
- (7) Any other information which the Municipal Manager deems necessary shall be submitted in writing

## **6. Publication of Notices in respect of specific classes of outdoor advertising signs prior to approval**

- (1) The applicant must lodge an application and arrange for it to be published once in English and in another official language newspaper circulating in the area in which the property to which the application relates is situated.
- (2) No notice may be published during the period from 12 December to 3 January of the following year, both dates included.

- (3) The applicant must from the date of publication of a notice, display a notice in a prescribed form in English and one other official language in a place visible to the public on a street front of the property on which the proposed sign will be erected
- (4) The applicant must maintain a notice displayed in terms of paragraph (3) above, for a period of at least 21 days from the date of the publication of the notice.
- (5) A notice contemplated in the sections above must contain a statement –
  - (a) that details that the application concerned will be open for inspection at an address specified in the notice for a period of 21 days from the date of publication of the notice
  - (b) that any person may within the period specified in paragraph (a), submit comments or representations, or lodge an objection, in writing in respect of the application concerned.
- (6) Any person proposing to submit comments or representations or lodge an objection as contemplated must address such comments, representations or objections to both the municipality and the applicant concerned at their respective addresses specified in the notices so contemplated.
- (7) The municipality may, if the proposed advertising sign will be visible from any property used for residential purposes, require the applicant to notify the owner of that property in writing of the application and obtain his or her written comments on the proposed advertising sign.
- (8) An applicant must submit:
  - (a) the original newspaper cuttings showing the notices
  - (b) the date
  - (c) name of the newspapers in which notices have been published
  - (d) a photograph indicating the first and last date of the notice display
  - (e) an affidavit confirming compliance with that subsection;
- (9) The applicant must furnish proof to the satisfaction of the municipality that he or she has complied with the provisions of this section.
- (10) The municipality may, on its discretion, exempt an applicant from complying with the above requirements on good cause shown.

## **7. Approval for amendment of already existing signs**

- (1) The Municipal Manager may, at their discretion and showing just cause, exempt any application from any of the above requirements
- (2) The Municipal Manager may initiate an amendment to the application, in writing,
  - (a) To inform the applicant of shortcomings in the supplementary documents
  - (b) To request additional information to support an application

- (c) To permit the applicant sufficient time, not exceeding 90 days, to correct any identified contravention of applicable regulations
  - (d) If at any time after approval the applicant contravenes any regulation and is found to have done so, the Municipal Manager may serve notice of withdrawal of the approval
  - (e) If the applicant fails to respond within the stipulated time, the Municipal Manager may withdraw the application and allow it to lapse without further notice
- (3) The Municipal Manager may refuse to accept an application:
- (a) If the application does not meet any or all the requirements stipulated in paragraph 5 above
  - (b) If the applicable legislation, regulations or supplementary information is not complied with and/or submitted within 90 days from the date of receiving the written request for such or the date determined by the Municipal Manager

#### **8. Provisions for maintenance, upkeep, upgrade or re-erection of signs**

- (1) All signs must:
  - (a) Where possible, be located at a height that discourages vandalism;
  - (b) Be inspected and serviced on a regular basis, and
  - (c) Be maintained in good repair, in a safe condition, and according to the highest standards as regards quality of structures, posting and sign-writing;
- (2) The area surrounding the advertising sign must, at all times be maintained in a clean, neat and safe condition;
- (3) The owner of any land or building on which the sign is displayed or erected, to which a sign is attached, and the owner of any such signs shall be jointly and severally responsible for the maintenance in a safe and proper condition and for the cleaning and the painting of any such sign; unless such land, building or structure is owned and/or controlled by the municipality;
- (4) Should the owner of the advertisement, structure, building or land wish to replace, amend the wording or refurbish the already approved advertisement, such owner must inform the municipality in writing of such intention;

**PART 3: PROVISIONS APPLICABLE TO ALL WHO MANAGE OR PRODUCE OUTDOOR ADVERTISEMENTS****9. Amenity and Decency**

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

**10. Safety**

- (1) No advertisement or advertising structure shall, in the opinion of the municipality:
  - (a) Constitute a danger to any person or property;
  - (b) Be placed or contain an element, which distracts the attention of drivers in a manner likely to lead to unsafe driving conditions;
  - (c) Be illuminated as to the extent that it causes discomfort, or inhibits the vision of approaching pedestrians or drivers;
- (2) In consideration of applications, care must be taken to ensure that no signs shall
  - (a) Be attached to a road traffic sign or signal (excluding street name signs and suburban name signs),
  - (b) Be combined with a road traffic sign or signal (unless specifically provided for in the South African Road Traffic Signs Manual),
  - (c) Obscure a road traffic sign or signal, create confusion with a road traffic sign or signal, interfere with the functioning of a road traffic sign or signal or create a road safety hazard in the opinion of the roads authority;
  - (d) Resemble a formal road traffic sign in colour, shape or general appearance;
- (3) No sign may be erected unless it complies with the following underlying safety philosophy:
  - (a) A pedestrian may walk into, fall over, or hit his/her head against an advertisement or its supporting structure;
  - (b) It can be mistaken as a formal road traffic sign, compete with formal road traffic signs for attention of motorist;
  - (c) Reduces the visibility of road traffic signs, either traffic or pedestrians inside the road reserves;
  - (d) It causes motorist to decelerate or execute any other unexpected driving manoeuvre that may result in vehicular conflict.



- (e) Be closer than 25 (twenty-five) metres from a formal road traffic sign, if located within the road reserve;
- (f) Obscure a pedestrian's or driver's view of pedestrians, the road or rail vehicles and features of the road, railway or pavement such as junctions, bends and changes in width;
- (g) Project over a sidewalk or pedestrian circulation route; unless the clear height of such a sign exceeds 2,4m, and for a cycle circulation road a clear height of 3 (three) meters;
- (h) Obstruct any fire escape or the means of egress to fire escape or obstruct or interfere with any window opening required for ventilation purposes; or
- (i) Exceed the minimum clearance with regard to overhead power lines. (Permission must be obtained from the Directorate: Technical and Infrastructure Services; before any advertising structure may be erected in a power line servitude);
- (j) Contain any surfaces covered with the retro-reflective material and/or paint;

#### **11. Size of signs and Conciseness of messages**

- (1) Signs or advertisements positioned along roads and specifically targeting the road user shall be concise and legible and shall comply with the following requirements:
  - (a) No signs displaying a single advertisement, or a message shall exceed 15 "bits" of information;
  - (b) No combination signs or any other sign displaying more than 1(one) advertisement message shall contain more than 6 "bits" of information per enterprise, service or property or per individual advertisement of message displayed on a combination sign.
  - (c) Street numbers indicating specific premises shall have a maximum size of 150 mm and a maximum size of 350 mm.
  - (d) The minimum letter size to be used on advertising signs inside road reserves shall be 80mm.
  - (e) No message shall be spread across more than one sign or sign panel;

#### **12. Design and construction**

- (1) Any sign approved by the municipality should be so designed and displayed such that it complies with the provisions of the Directors: Technical and Infrastructure Services, Public Safety, Roads and Transport, Community Development, and, Planning and Human Settlements in that it:

- (a) Shall, be constructed, executed and finished in a neat and proper manner;
- (b) Shall not be detrimental to or have a negative aesthetic impact of the urban design, streetscape or the character of the surrounding area by way of the design of the structure or device;
- (c) Shall have a neat appearance, consist of durable materials in accordance with the functions, nature and permanence of the advertisement, sign or structure and material such as cloth, canvas, cardboard, paper or synthetic cardboard should be used only when essential to the nature and function of a particular sign;
- (d) Shall have a neat appearance in terms of the advertisement contents and sign writing while untidy written messages should be avoided as far as possible;
- (e) Shall not deface building facades with electrical services provisions and other accessories;
- (f) Shall be rigidly and securely attached, supported or anchored in a safe manner and so that unwanted movement in any direction is prevented;
- (g) Shall be capable of effectively securing, supporting and maintaining not less than twice its mass with the addition of any force to which the sign may be subjected to, including wind pressure;
- (h) Shall wherever necessary in accordance with the nature of the sign and when attached to brickwork, masonry or concrete, be securely embedded in such brickwork, masonry or concrete or passing through the same and secured on the opposite side;
- (i) Shall, when attached to conservation-worthy buildings be attached with the necessary expert advice to prevent damage to such buildings;
- (j) Shall not be detrimental to the environment or to the amenity of the neighbourhood by reason of size, intensity of illumination, quality of design or materials or for any other reason;
- (k) Shall not constitute a danger to any person or property;
- (l) Shall not display any material which is indecent, suggestive of indecency, prejudicial to public morals or objectionable, or
- (m) Shall not obliterate any other signs;
- (n) Shall not in the opinion of the council, be unsightly or detrimentally impact upon sound architectural design;
- (o) Should not in any way impair the visibility of any road traffic sign or the safety of a motorist;
- (p) Shall in size, location and its alignment in relation to any existing sign on the same building or erf, be compatible with the visual character of the area surrounding it;
- (q) Should be appropriate to the type of activity to which it pertains.

**13. Areas of control**

- (1) The Municipal Manager must exercise due consideration for the following three areas of control that are applied to the landscape types indicated below.
- (2) A specific area of control must be applied to the whole landscape and/or a part of such landscape.
- (3) The area of control applied will reflect the degree of control that is required to be applied to the landscape and such the sensitivity of that landscape that should be considered.

<b>Level of control</b>	<b>Description</b>	<b>Identified areas</b>
Areas of Maximum Control	All natural and rural landscapes shall be defined as areas of maximum control with no other areas of control allowed owing to the sensitivity to visual disturbance. For example; natural/scenic, some urban and rural landscapes;	<ul style="list-style-type: none"> <li>• protected areas,</li> <li>• extensive agriculture,</li> <li>• scenic areas,</li> <li>• wilderness areas</li> <li>• intensive and subsistence agriculture,</li> <li>• rural smallholdings</li> <li>• urban conservation areas</li> <li>• passive recreation areas</li> <li>• golf courses</li> <li>• architectural</li> <li>• cultural feature areas</li> <li>• high and middle income residential areas</li> <li>• gateways</li> <li>• visual zones along urban freeways and</li> <li>• high-speed volume arterials</li> <li>• accident prone areas</li> <li>• educational institutions</li> </ul>
Areas of Partial Control	Some urban landscapes may be defined in terms of all three areas of control owing to the varying nature and degree of sensitivity of the urban landscape and to the considerable demand of advertising in urban areas.	<ul style="list-style-type: none"> <li>• high, medium, low density residential areas</li> <li>• residential with offices and commercial encroachment</li> <li>• sports fields and stadiums</li> <li>• urban smallholdings</li> </ul>

		<ul style="list-style-type: none"> <li>• high volume urban areas</li> <li>• commercial ribbon development</li> <li>• commercial enclaves in residential areas</li> <li>• suburban shopping centres and office parks</li> </ul>
Areas of Minimum Control	Other urban landscapes that have the following characteristics	<ul style="list-style-type: none"> <li>• Central commercial districts</li> <li>• Industrial areas or parks</li> <li>• Entertainment districts</li> <li>• Transport nodes</li> <li>• Commercial enclaves and</li> <li>• shopping centres in lower income suburbs</li> </ul>

#### 14. Type of Landscape

- (1) No outdoor advertisement shall be approved in terms of these By-Laws if it may, in the opinion of the Unit: Integrated Environmental Management, cause harm to human activity, environmental harmony or contravene any of all applicable legislation including the Environmental Conservation Act
- (2) The proposed outdoor advertisement and/or sign must be compatible and sensitive to the environmental character, landscape, surrounding amenities, neighbourhood design and street-scape
- (3) Any person or advertiser or owner of an advertising structure, that is erected in environmentally sensitive or protected areas, shall be guilty of an offence
- (4) Such signs, that are erected in areas contemplated in (3) above, shall be removed, impounded and/or destroyed, and the costs thereof shall be for the account of the owner of the advertisement

#### 15. Responsibilities of contractors in the use of certain materials

- (1) Any advertiser or contractor:
  - (a) Shall not use water soluble adhesive, adhesive tape or similar materials to display or secure any sign or advertisement elsewhere than on a billboard, board or any structure provided for this purpose;
  - (b) Shall have all exposed metalwork of any sign painted or otherwise treated to prevent corrosion and all timber dated to prevent decay; and

- (c) Shall have measures taken to prevent the entry of water into and the accumulation of water or moisture or in any sign or any part of the supporting framework, brackets or other panels;

## **16. Placement or Positioning of Outdoor Advertising Signs**

- (1) Any sign approved by the municipality:
  - (a) Shall not be positioned on a road island or median with the exception of street name advertisements
  - (b) Shall not be suspended across the road with the exception of signs permitted on bridges across certain rural and urban roads other than freeways as well as banners suspended across urban roads other than freeways and as part of a street-scaping projects.
- (2) Shall not be erected with or suspended above a road reserve or within the limited use area outside the use road reserve boundary of freeways, with the following exceptions which may be allowed within all road reserves:
  - (a) Sponsored road traffic projects
  - (b) Service facility signs
  - (c) Tourism signs
  - (d) Vehicular advertising
- (3) Project boards that concern the road constructions may be allowed within all road reserves.
- (4) Project boards that do not concern road construction may be allowed in the actual development site only.
- (5) That with the consent of the municipality, the under-mentioned may be allowed within all the open road reserves other than freeways:
  - (a) Large posters and advertisements on street furniture
  - (b) Banners and flags
  - (c) Suburban advertisements
  - (d) Projecting signs
  - (e) Verandas, balcony canopy and under awning signs,
  - (f) Functional advertisements by public bodies.
- (6) Pavement posters and notices, street name advertisements as well as signs on bridges, towers and pylons may be allowed within road reserves in areas of minimum or partial control.
- (7) Neighbourhood Watch and similar Council supported schemes signs may be allowed within road reserves other than freeways in urban, rural and natural environments.

- (8) Flat signs, projecting signs, veranda, balcony, canopy and under-awning signs may be allowed within the limited use area along freeways if the main building that is housing an enterprise is within 50 (fifty) metres from the road reserve boundary of the freeway and if there is no other appropriate means of indicating that particular enterprise facing another public road carrying through passing traffic.
- (9) Such signs contemplated in (8) above, shall not be permitted within a restricted area at a rural and urban street corners with the exception of the following sign types:
- Temporary window signs;
  - Street name advertisements;
  - Flat signs,
  - Projecting signs;
  - Veranda, balcony, canopy and under-awnings;
  - Window signs;
  - Signs incorporating into the fabric of a building.
- (10) Illuminated signs allowed within restricted areas at signalised street corners shall have a clear height of at least 6 (six) metres if such a sign contained the colours red, green or amber.

#### 17. Electrical Installations

- Advertising signs that require power cables and/or conduits for electricity supply for illumination, backlights or other lighting, must receive approval of the Municipal Manager
- All installations that require electrification must comply with other applicable regulations that may be determined by the Director: Technical and Infrastructure Services

#### 18. Illuminated Outdoor Advertising Signs

- The creation, assembly and display of illuminated signs is permitted on condition they comply with the following:
  - The following maximum luminance levels per square metre are applicable for all classes of advertisements where illumination is permitted:

Area	Luminance
Less than 0,5m <sup>2</sup>	1000 candela / m <sup>2</sup>
0,5 m <sup>2</sup> < 2m <sup>2</sup>	800 candela / m <sup>2</sup>
2 m <sup>2</sup> < 10m <sup>2</sup>	600 candela / m <sup>2</sup>
10 m <sup>2</sup> or more	400 candela / m <sup>2</sup>

- The light source emanating from floodlights shall not be visible to traffic travelling in either direction.

- (c) Floodlight shall be by a position to ensuring effective distribution and minimise light wastage.
- (2) In respect of urban freeways, irrespective of the area control, the under mentioned signs may not be illuminated in any way unless overhead lighting lights the freeway; over the full distance within which the advertising signs use is visible from the freeway:
  - (a) Super billboards
  - (b) Custom made billboards
  - (c) Large billboards
  - (d) Small billboards and tower structures
  - (e) Sub-urban advertisements
  - (f) Temporary advertisements
  - (g) Product replicas and 3 (three) dimensional signs
  - (h) Flat signs
  - (i) Roof signs
  - (j) Signs painted on walls and roofs
  - (k) Signs incorporated in the fabric of a building
  - (l) Signs on towers, bridges and pylons
  - (m) Advertisements on construction site boundary walls and fences
  - (n) Aerial signs
  - (o) Trailer advertising.
- (3) Approved illuminated signs shall be wired and constructed in accordance with and subject to the provisions of the electricity supply by-laws
- (4) The illuminated advertising sign shall not be connected to any electricity supply without the prior written permission of the relevant electricity supply authority. Such proof of permission shall be submitted if requested;
- (5) The illuminated advertising sign shall be provided with an external switch in an accessible position and if needed as directed by the Chief Emergency Services, and at a height of at least three metres from the ground whereby the electricity supply to the sign may be switched off
- (6) An electronic advertisement may not inhibit the view of or cause discomfort to a driver or pedestrian or be in the direct line of sight of a traffic light.

#### **PART 4: EXEMPTIONS, EXCLUSIONS AND WITHDRAWALS**

##### **(19). Positioning of Advertising Signs: Exemptions and Prohibited Placements**

- (1) No advertisement shall be positioned on a road island or median with the exception of street name advertisements, or



- (2) No advertisement shall be suspended across the road with the exception of signs permitted on bridges across certain rural and urban roads other than freeways as well as banners suspended across urban roads other than freeways and as part of a street-scaping projects.
- (3) No advertisement shall be erected with or suspended above a road reserve or within the limited use area outside the use road reserve boundary of freeways, with the following exceptions which may be allowed within all road reserves:
  - (a) Sponsored road traffic projects
  - (b) Service facility signs
  - (c) Tourism signs
  - (d) Vehicular advertising
- (4) Project boards that concern the road constructions may be allowed within all road reserves.
- (5) Project board that do not concern road construction may be allowed in the actual development site only.
- (6) That with the consent of the municipality, the under-mentioned may be allowed within all the open road reserves other than freeways:
  - (a) Large posters and advertisements on street furniture
  - (b) Banners and flags
  - (c) Suburban advertisements
  - (d) Projecting signs
  - (e) Verandas, balcony canopy and under awning signs,
  - (f) Functional advertisements by public bodies.
- (7) Pavement posters and notices, street name advertisements as well as signs on bridges, towers and pylons may be allowed within road reserves are better than freeways but only in areas of minimum or partial control.
- (8) Neighbourhood Watch and similar Council supported schemes signs may be allowed within road reserves other than freeways in urban, rural and natural environments.
- (9) Flat signs, projecting signs, veranda, balcony, canopy and under-awning signs may be allowed within the limited use area along freeways if the main building that is housing an enterprise is within 50 (fifty) metres from the road reserve boundary of the freeway and if there is no other appropriate means of indicating that particular enterprise facing another public road carrying through passing traffic. Shall not be permitted within a restricted area at a rural and urban street corners with the exception of the following sign types:
  - (a) Temporary window signs;

- (b) Street name advertisements;
  - (c) Flat signs,
  - (d) Projecting signs;
  - (e) Veranda, balcony, canopy and under-awnings;
  - (f) Window signs;
  - (g) Signs incorporating into the fabric of a building.
- (10) Illuminated signs allowed within restricted areas at signalised street corners shall have a clear height of at least 6 (six) metres if such a sign contained the colours red, green or amber.

#### **20. Damage to municipal property, public infrastructure installations and flora**

- (1) No person shall, during the process of erecting or removing any sign, advertisement structure or device, cause damage to any tree, electrical standard or service or other public installation or property.
- (2) No damage shall be done to any tree, electrical post or any municipal property, and
- (3) Any person who causes such damage or causes such damaged to be done shall be guilty of an offence and shall be liable to a fine as contemplated in Schedule C
- (4) Such a person shall also be responsible for the repair at his expense and to the satisfaction of the Council.

#### **21. Exempt Advertisements and Outdoor Signs**

- (1) The following signs are exempt from the provisions of this policy:
  - (a) Any sign displayed inside a sports stadium, which is not visible from outside the stadium;
  - (b) Any sign which is displayed inside a building at a distance of more than 1 (one) metre from any window or other external opening through which it may be seen from outside the building and which is not aimed primarily at attracting the attention of the road user;
  - (c) Any national flag hoisted on a suitable flag pole as long as nothing is added to the design of the flag and no advertising material is added to the flagpole;
  - (d) A sign which is displayed by the municipality and any other government department;
  - (e) Any sign displayed on an approved advertising hoarding, which complies with other relevant requirements of this policy; and
  - (f) Any banner or flag carried through the streets as part of a procession.
  - (g) Any sign displayed in an arcade and is not visible from the street.
  - (h) A price ticket smaller than 0.01 square metre on an item displayed in a shop window.

- (i) Any handheld leaflets which are distributed on private land or in private parking lots.

## **22.Prohibited Outdoor Advertising Signs**

- (1) The following signs are prohibited by these By-Laws:
  - (a) Any sign type not covered by these By-Laws and other applicable regulations, shall be regarded as an illegal sign unless specific consent of the municipality has been obtained.
  - (b) No person shall erect or display any the following signs or cause or allow any such sign to be erected or displayed or such action to be carried out:
  - (c) Any sign painted on, attached to, or fixed between the columns or posts of a veranda;
  - (d) Any sign which will obscure a road traffic sign or signal, or which may be mistaken for a cause of confusion with or interfere with the functioning of the road traffic sign or signal;
  - (e) Any sign, which will obstruct any window or opening provided for the ventilation of any building or which obstructs any stairway or doorway or other means of exit from a building or which will prevent the movement of persons from one part of a roof to another part thereof;
  - (f) Any animated or flashing sign, the frequency or the animations or flashes or other intermittent alterations of which disturbs the residents or occupants of any building or is a source of nuisance to the public;
  - (g) Any illuminated sign, the illumination of which disturbs the residents or occupants of any building, or is a source of nuisance to the public;
  - (h) Any swinging sign, which is not rigidly and permanently fixed;
  - (i) Any sign displayed on land not in accordance with the relevant zoning or approved consent use as per the applicable Land Use Management Scheme;
  - (j) Any advertisement or sign other than an exempted signed, for which neither a permit not approval has been obtained;
  - (k) Any sign painted on a boundary wall or fence in residential and rural area;
  - (l) Any advertising sign, which, in the opinion of the municipality, is suggestive of anything indecent or may prejudice the public morals;
  - (m) Any sign, which relates to a business, which is conducted on an erf, or land, which is not zoned for that specific purpose;
  - (n) Any advertisement, which relates to cigarettes or other tobacco products on Council property;
  - (o) Any poster pasted onto supporting columns, walls, pillars or any poster pasted otherwise than on a hoarding legally erected for accommodating such poster;
  - (p) The distribution of pamphlets at road intersections;

- (q) Any permanent sign of which the maximum display period has expired;
- (r) Advertisements that cannot be classified in full into one of the recognised advertising classes;
- (s) Any advertisement inside a road reserve, which contains or does not contain retro-reflective material unless approval has been obtained.
- (t) Any suspended sign which is fixed across a street, except at locations in which the Municipality has approved such locations.
- (u) Handheld leaflets distributed at a public road or from a public area.

## **PART 5: REGULATORY PROVISIONS AND ENFORCEMENT PROCEDURES**

### **23. Access to business premises**

**Unit: Legal and Valuations to assist in formulating this paragraph in line with the existing municipal processes**

### **24. Inspections**

- (1) The Municipality/ delegated officials have the power to inspect any advertising sign in the area of jurisdiction of the municipality in terms of applicable regulations and, subject to the following conditions;
  - (a) That the implementation and enforcement of the by-law and applicable regulations may be carried out at all times during the week including Saturday, Sundays or any public holidays
  - (b) The delegated official must, before the commencement of, or during an inspection, of an advertising sign or the owner of the property on which the advertising sign concerned has been erected or displayed; produce a written confirmation of his or her appointment as an authorised official empowered to carry out inspections for the purposes of this by-law
  - (c) The official carrying out an inspection in terms of these By-Laws, must conduct himself or herself with strict regard to decency and orderliness and with due regard to any person's rights contained in the Bill of Rights set out in Chapter 2 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)

### **25. Offences**

- (1) Any person who displays or causes or permits to be displayed or distributes an advertisement, directional sign, election material or banner in a street or other public place without having obtained permission thereto
- (2) Any person who after obtaining the necessary permission regarding an advertisement, election material or directional sign, fails to meet the provisions of

this by-law or otherwise contravenes any provisions thereof; shall be guilty of an offence

- (3) Any person who places or causes to be placed a circular, handbill, directional sign or any other advertisement on or in a vehicle in a public street or place commits an offence
- (4) Any person who places or causes to be placed, an advertising sign or structure on areas deemed to be environmentally sensitive or protected, shall be guilty of an offence
- (5) On prosecution in terms of all applicable By-Laws, any person who displayed or caused to be distributed or permitted to be displayed or distributed an advertisement, election material or directional signs in any street or public place, shall be deemed to be the exhibitor or distributor thereof while it is thus displayed or distributed
- (6) Any person who fails to remove, his displayed advertisement, displayed directional sign, advertisement of election material within the prescribed time, shall forfeit his paid deposit to the Municipality.
- (7) The Municipality may without giving any notice thereof to any person, remove or destroy any advertisement which is displayed without previously obtained permission from the Municipality and will be liable to a penalty

## **26.Serving of Notices**

- (1) Any notice that is required to be served, delivered or given in terms of, or for the purposes of, this by-law, must be served in any of the following ways:
  - (a) By handing a copy of the notice to the person concerned;
  - (b) By leaving a copy of the notice at the person's place of residence, business or employment with any other person who is apparently at least 16 years old and in charge of the premises at the time;
  - (c) By faxing a copy of the notice to the person, if the person has in writing furnished a fax number to the municipality or administrator;
  - (d) By handing a copy of the notice to any representative authorised in writing to accept service on behalf of the person;
  - (e) If the person has chosen an address for service, by handing a copy of the notice to a person who is apparently at least 16 years old at that address;
  - (f) By sending a copy of the notice by registered or certified post to the last known address of the person concerned, and, unless the contrary is proved, it is deemed that service was performed on the seventh day following the day on which the document was posted;

- (g) If the person is a company or other body corporate, by serving a copy of the notice on an employee of the company or body corporate at its registered office or its principal place of business within the Republic, or its main place of business in the area of jurisdiction of the municipality, or if there is no employee willing to accept the service by affixing a copy of the notice to the main door of the office or place of business; or
  - (h) If the person is a partnership, firm or voluntary association, by serving a copy of the notice on a person who at the time of service is apparently in charge of the premises and apparently at least 16 years of age, at the place of business of such partnership, firm or association or if such partnership, firm or association has no place of business, by serving a copy of the notice on a partner, the owner of the firm or the chairman or secretary of the managing or other controlling body of such association, as the case may be.
- (2) Notices may be served in regard to the following conditions;
- (a) If the advertisement does not comply with these By-Laws; or does not conform to the initial approved application;
  - (b) If the advertisement will be, in its contents, objectionable, indecent, or suggestive of indecency or prejudicial to the public morals;
  - (c) If it has become necessary to implement traffic signage or traffic control measures that will be in competition with the advertisement, or where the removal of the advertisement is necessitated by road improvements;
  - (d) If it becomes clear that approval of an application is invalidated as a result of a misrepresentation by the applicant or oversight by a municipality official

## **27. Amendments, Withdrawals and/or Termination of approval/s**

- (1) The Municipality may refuse, withdraw, amend or terminate any approval or impose further conditions in respect of such approval at any time if in the opinion of the Municipality:
  - (a) It will be or becomes detrimental to the environment or the amenity of the neighbourhood by reason of size, intensity of illumination, quality design or material or for any other reason,
  - (b) It will constitute or becomes a danger to any person or property;
  - (c) If the sign is in a state of disrepair or does not comply with this Policy;
  - (d) It will obliterate other signs, natural features, architectural features or visual lines of civic or historic interest

**28. Removal and storage of all categories of Outdoor Advertising Signs**

- (1) The municipality may, in terms of these By-Laws, remove, impound and/or destroy offending outdoor advertisement
- (2) If, in the opinion of the municipality, any sign is in a dangerous or unsafe condition or has been allowed to fall into a state of disrepair or interferes with the functioning of any road traffic sign, the Municipal Manager may serve a notice on the owner; requiring him at his own cost, to remove the sign or do other work specified in the notice within a period so specified.
- (3) The municipality may, if in its opinion an emergency exists; instead of serving notice or if such notice has not been complied with within the period specified therein, carry out the removal of a sign or do other work which it may deem necessary and may recover the costs thereof from the owners, jointly and severally.
- (4) If any sign or advertising board is displayed so that it is, in the opinion of the municipality, detrimental to the environment or to the amenities of the neighbourhood, or otherwise in contravention of the by-laws, the municipality may serve a notice on or may instruct the owner of the sign or advertising hoarding to remove such sign or advertising board or carry out such alteration thereto or do such other work as may be specified by the relevant official of the municipality within a specified time.
- (5) If a person fails to comply with a request as stated in the preceding paragraph the municipality may remove such sign or advertising board.
- (6) Temporary advertising signs that have been approved for a limited period must be removed within 3 (three) days after the approval has lapsed. In the case of trailer advertisements, the trailer must be removed on the last day of the approval period.
- (7) The municipality shall, in removing a sign or board, not be required to compensate any person in respect of such sign or advertising hoarding, in any way for loss or damage resulting from its removal.
- (8) Notwithstanding the above stated provisions, the municipality itself shall, without serving notice, carry out the removal of such a sign or advertising board.
- (9) The municipality shall destroy such signs that were removed in terms of this section, within 3 (three) weeks after such removal, should the owner of such a sign fail to claim such a sign or pay the poundage fee as stated.

**29. Costs of removal and storage of offending signs**

- (1) Municipality shall charge an impounding fee for such signs that were removed in term of this section as determined by Council and as stated in the by-laws.



- (2) The actual expense and/or costs incurred by the municipality during the removal of the signs in terms of these By-Laws shall be payable by the owner of such signs to the municipality.
- (3) An impounding fee shall be payable to the municipality per sign and per working day (Monday to Friday) or part of the week.
- (4) Any cost incurred by the municipality in removing an offending sign or advertising board, or in doing alterations or other works in terms of this policy will be recovered from the owner and if a deposit has been paid in respect of such a sign or board, the costs of may be deducted from the deposit.
- (5) The cost incurred by the municipality for the removal and storage of an advertising sign, other than a poster, and other costs incurred may be recovered from the owner of that advertising sign or any other person whose name or activity is displayed on that advertising sign.
- (6) If an advertising sign has been removed, the Municipal Manager must, in writing give notice to the owner of that sign, if his or her address can be ascertained, of such removal and that he or she may claim the advertising sign concerned.
- (7) Any advertising sign which has been removed and stored in terms of these By-laws may be released to its owner subject to payment of a prescribed fee.
- (8) Any advertising sign removed and not claimed within 30 days may be disposed of by the municipality
- (9) The municipality shall be indemnified against any claim for loss or damage of any advertising sign in the removal thereof.

### **30. Penalties**

- (1) The following acts or omissions constitute an offence:
  - (a) Any person or advertiser who contravenes or fails to comply with any provision of the applicable By-Laws;
  - (b) Any person or advertiser who refuses or fails to comply with any notice served on him or her in terms of or for the purposes of these By-laws;
  - (c) Any person or advertiser who fails to comply with the terms or conditions of any approval issued in terms of these By-laws;
  - (d) Any person or advertiser who obstructs, hinders or interferes with an authorised official or other official of the municipality acting under power delegated to him or her, in the exercise of any power or the performance of any duty under these By-laws;
  - (e) Any person or advertiser who fails or refuses to furnish to an authorised official or other official of the municipality acting under power delegated to him or her, with any documentation or information required for the purposes of these By-laws or furnishes a false or misleading document or false or misleading information;

- (f) Any person or advertiser who fails or refuses to comply with any instruction given in terms of or for the purposes of these By-laws; or
- (g) Any person or advertiser who pretends to be an authorised official or other official of the Council acting under power delegated to him or her,
- (2) Any person who is guilty of the actions contemplated in terms of section (1) above shall be;
  - (a) liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 12 months;
  - (b) in the case of a continuing offence, to a further fine that may be determined by the Municipal Manager, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been served on him or her by the Council or the Municipal Manager or authorised official requiring the discontinuation of such offence.
  - (c) Shall be subjected to a fine and forfeit his or her deposit

### **31. Appeal and Complaints Procedures**

- (1) Any person may submit an appeal in writing, to the Municipal Manager of the Municipality against a disapproval of an application in terms of these By-Laws by an official of the Municipality within 30 (thirty) days of receipt of such a decision;
- (2) Such appeals shall be made by lodging a notice setting out the nature and the grounds of appeal within the period contemplated in subsection (1) above, with the Municipal Manager of the Municipality;
- (3) The Municipal Manager referred to the above, or his/her delegated official, shall hear the appeal including any oral or written submission of either party, and inform the applicant of its decision, which shall be final, and the reasons therefore.
- (4) Any complaints from the public, excluding the applicant entitled to the appeal procedures in section (1) above, regarding these By-Laws, may be directed to:

The Municipal Manager,  
Rustenburg Local Municipality;  
PO Box 16, Rustenburg, 0300,

and/or hand delivered to:

The Municipal Manager,  
Rustenburg Local Municipality,  
Missionary Mpheni House  
Corner Beyers Naude and Nelson Mandela Drives,

Rustenburg;

- (5) The Municipal Manager shall furnish a reply in writing to the complainant within 30 (thirty) days of the receipt of the complaint.

### **32. Conflict Resolution Processes**

**Unit: Legal and Valuations to assist in formulating this paragraph in line with the existing municipal processes**

### **33. Transitional Arrangements**

- (1) Any advertisement that was erected or displayed on or before the date of commencement of this by-law, that is prohibited by the by-law, and is not an advertisement for which the municipality may grant approval, must be removed within 90 (ninety) days of such date of commencement;
- (2) Where an advertisement has been erected or displayed on the date of commencement of the by-law, which, in terms of the by-law, may not be so erected or displayed without approval of the municipality or another authority, the owner of the advertisement must apply to the municipality or the other authority, as the case may be, for such approval, within 90 (ninety) days of such date of commencement, failing which the advertisements must be removed forthwith.
- (3) No such application may be made in respect of an advertisement contemplated in these By-Laws;
  - (a) If approval for an advertisement contemplated in terms of these By-Laws has been refused, the owners must remove it within 30 (thirty) days of receipt of notification of such refusal.
  - (b) Where such a notification has been posted by registered post, the owner will be deemed to have received it 8 (eight) days after posting thereof;
  - (c) All approved signs already in existence on the publication of this by-law shall within a period of 1 (one) year after such promulgation, be removed or corrected to comply with these By-Laws
- (4) The Council shall, not less than 1 (one) month before promulgating, cause a draft of the regulation to be communicated to the local community and to be made public in terms of sections 21 and 21A of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000], together with a notice declaring the intention of the Council to issue such a regulation and inviting comments or representations;
- (5) If the Council decides to alter the draft regulation as a result of comments or representations received pursuant to such invitation, then it shall not be necessary to

communicate and make public the alteration before the amended draft is promulgated as a regulation.

#### **34.Repeal of By-Laws**

Any by-laws promulgated by the Council or any of the disestablished municipalities now incorporated in the municipality, pertaining to any matter regulated in these By-Laws, shall be repealed from the date of promulgation of this By-Law.

#### **35. Short Title**

This By-Law shall be called the Rustenburg Outdoor Advertising By-laws, 2019 and takes effect on a date determined by the Council by proclamation in the Provincial Gazette.

## **ANNEXURES**

### **SCHEDULE A: APPLICATION FORM**

**SCHEDULE B: CLASSES (TYPES) OF SIGNS AND DISPLAY PROCEDURES****CLASS 1: BILLBOARDS**

This class consists of free-standing advertising structures which have a very high visual and traffic safety impact owing to their sheer size and proximity to higher order roads. Artistically designed billboard structures may make a more positive contribution to the visual environment. The main function of this class is to advertise non-locality-bound products, activities and services.

**Examples:**

Gantry billboards  
Large billboards  
Medium billboards  
Small billboards

**CLASS 2: SIGNS ON BUILDINGS AND STRUCTURES**

Signs in this class are attached to or painted on buildings which are used or partly used for commercial, office, industrial or entertainment purposes with only one or two possible exceptions. Also included in this class are signs attached to larger structures not primarily erected for displaying advertisements such as pylons, towers and bridges. The aesthetic and traffic safety impact of these signs vary from high to relatively low.

**Examples:**

Sky signs; Roof signs; Wall signs; Signs and Murals painted on walls and roofs; Signs incorporated in the fabric of the building; Projecting signs; Veranda, Balcony and Under Awning signs; Advertisements on Towers, Bridges and Pylons

**CLASS 3: SIGNS ON PREMISES AND MISCELLANEOUS SIGNS**

Signs in this class consist mainly of free-standing, locality-bound, on-premises signs and advertising structures directly linked to enterprises, residential functions or community services in the urban, rural and natural environments. Closely associated with these free-standing signs is a variety of locality bound signs which may be attached to non-advertising structures such as boundary walls, fences and entrance gates; residential and community-oriented buildings.

Most signs in Class 3 are relatively small in size with combination or stack sign structures at shopping centres and industrial estates the only exception in this regard. The main impact of signs in this class can be attributed to unattractive structures and a tendency to proliferate and to encroach on the road.

On-Premises Business signs in Urban Areas

Miscellaneous Signs for Urban Residential Oriented Land Use and Community Services

Signs for Agricultural and Related Land Use in Rural and Natural Areas

**CLASS 4: SIGNS FOR PEDESTRIAN ENVIRONMENTS AND STREET-SCAPING**

Signs in this class are limited exclusively to pedestrian environments with only a few exceptions. Due to a more intimate advertising environment and the involvement of street and advertising furniture this class lends itself to artistic expression and an enhancement of local character or sense of place.

**Examples:**

Street furniture and large posters  
Forecourt signs

### **CLASS 5: SIGNS FOR THE TOURIST AND TRAVELLER**

This class includes a variety of signs aimed at the tourist and traveller – from signs at filling stations to information panels at tourist attractions. Apart from providing valuable information to the tourist and traveller some of these signs may also contribute to local character if treated correctly. Signs in this class differ in size and impact from huge stack signs identifying roadside service areas to small advertisements on petrol pumps or identification signs indicating the name of tourist attractions.

#### **Examples:**

Service facility signs  
Road Traffic Project signs  
Tourism Information signs  
Gateway signs

### **CLASS 6: MOBILE SIGNS**

This class contains signs attached to vehicles on land, water and in the air. Also included are signs carried by pedestrians for the purpose of advertising. It may be assumed that mobile signs will be concentrated mainly in urban areas but being mobile they may also appear in other landscape types. The aesthetic impact of mobile signs may vary from high to low. Owing to their highly mobile nature these signs may be very difficult to control and may have a relatively high impact on traffic safety. Although certain mobile signs lend themselves to artistic expression these signs have a low necessity value in general, seen from a non-advertising or practical point of view.

#### **Examples:**

Vehicular Advertising  
Advertising Trailers & Self-Propelled Advertising Vehicles  
Aerial signs  
'Walking' Sandwich Boards & Other Portable Notices

### **CLASS 7: TEMPORARY SIGNS**

This class permits a wide variety of signs and advertisements of which temporariness can be seen as a dominant characteristic. For the purpose of this classification 'temporariness' is defined by means of the following criteria;

- 1) Duration of continuous 'display' of advertising structure: Most sign types in this class are classified as temporary in terms of the relatively short uninterrupted time period during which advertising structures are allowed on specific sites irrespective of the fact that advertising contents displayed on such structures may be changed during these periods. The following two display periods are used as a benchmark for permanence:
  - a) A period of 5 years
  - b) The lifespan of an enterprise to which a sign is referring.

The temporary nature of signs classified according to this criterion may vary from

- Construction Site Advertisements which are limited to the construction period of specific building projects, to
- Show House Signs which are limited to show days/weekends.

Temporariness in relation to related signs: Although signs such as temporary window signs (indicating a promotion, 'sale', etc.) may actually be affixed to a permanent structure such as a shop window, they are still seen as temporary in relation to similar signs (name and nature



of shop, etc.) on the same window or other structural elements of the building – both in terms of the display period or material used for the sign.

Due to a large variation in the nature of signs in this class both the visual and traffic safety impacts of these signs also tend to differ to a large extent. In certain cases, signs which may also be seen as temporary in nature, such as aerial signs, have been classified under another sign class due to a more dominant characteristic such as mobility.

**Examples:**

Construction Site Advertisements; Project Boards; Signs for Sporting Events, Festivals & Exhibitions; Estate Agents' Boards; Auction Signs; Lamppost Advertising; Handbills, Leaflets and Pamphlets; Temporary Window Signs

**CLASS 8: OTHER SIGNS**

This sign class makes provision for signs which cannot be classified under any of the other main sign classes.

**Examples:**

Security Signs

Public service and other information signs

Electoral posters

Election material shall be erected in accordance with the provisions of the applicable legislation that rules and regulates elections

Electoral posters should not be subject to a specific levy

Deposit should be determined for these electoral post

If the electoral posters are not removed by political parties within 14 days from the date of elections, such deposit should not be refunded

**SCHEDULE C: FEES, TARIFFS AND FINES****Tariffs of outdoor advertising signs in terms of the Rustenburg Local Municipality Outdoor Advertising By-Laws.**

**Note: Administration fee for all outdoor advertising activities is non-refundable (R360.00)**

OUTDOOR ADVERTISING	2019/2020 draft tariffs (VAT inclusive)
All applications must be in accordance with the Rustenburg local municipality out-door advertising By-Laws	
<b>CLASS 1 :This includes Gantries, large, medium and small Billboards</b>	
<b>(i) Application fee + Administration fee</b>	<b>R1,685.00</b>
<b>(ii) Annual display fee per sign- private property</b>	<b>R8,414.00</b>
<b>(iii) Annual display fee – council property</b>	<b>R15,676.00</b>
<b>CLASS 2: Signs On Buildings And Structures</b>	
Projecting signs	
<b>(i) Administration fee</b>	<b>R360.00</b>
<b>(ii) Annual display fee per sign</b>	<b>R505.00</b>
<b>(iii) Encroachment fee(council land ) per square meter for each sign type</b>	<b>R2,028.00</b>
Building attachment (roof signs, signs and murals on walls and roofs, a sign in the fabric of a building and advertisements on towers, bridges and pylons)	
<b>(i) Application fee + administration fee</b>	<b>R422.00</b>
<b>(ii) Annual display fee per sign</b>	<b>R1,011.00</b>
Wall signs/fascia signs	
<b>(i) Administration fee</b>	<b>R360.00</b>
<b>(ii) Annual display fee per sign</b>	<b>R505.00</b>
Ground sign (excluding billboards)	
<b>(i) Application fee + administration fee</b>	
<b>(ii) Encroachment fee(council land ) per square meter for each sign type</b>	<b>R3,135.00</b>
<b>(iii) Annual display fee</b>	<b>R1,568.00</b>
<b>CLASS 3: Signs on Premises and miscellaneous signs</b>	
Boundary walls and entrance gates	
<b>(i) Administration fee</b>	<b>R360.00</b>
<b>(ii) Annual display fee per sign</b>	<b>R1,037.00</b>
Residential and community-oriented buildings	
<b>(i) Administration fee</b>	<b>R360.00</b>
<b>(ii) Annual display fee per sign</b>	<b>R1,037</b>
On –premises Business signs in urban Areas	
<b>(i) Administration fee</b>	<b>R360.00</b>
<b>(ii) Annual display fee per sign</b>	<b>R3754.00</b>
Miscellaneous signs for urban residential oriented land use and community services	
<b>(i) Administration fee</b>	<b>R360.00</b>
<b>(ii) Annual display fee per sign</b>	<b>R R1,568.00</b>
Signs for agricultural and related land use in rural and natural Areas	
<b>(i) Administration fee</b>	<b>R360.00</b>

<b>(ii) Annual display fee per sign</b>	<b>R1,011.00</b>
<b>CLASS 4: Signs for Pedestrian Environments and Streetscaping</b>	
Street furniture signs	
<b>(i) Administration fee</b>	<b>R360.00</b>
<b>(ii) Annual display fee</b>	<b>R1,181.00</b>
Street light/street pole sign, etc.	
<b>(i) Administration fee</b>	<b>R360.00</b>
<b>(ii) Annual display fee</b>	<b>R1,181.00</b>
Headline posters	
<b>(i) Application fee + Administration fee</b>	<b>R2,525.00</b>
<b>(ii) Annual display fee</b>	<b>R5,049.00</b>
<b>CLASS 5: Signs for Tourists and Travellers</b>	
Service facility signs	
<b>(i) Administration fee</b>	<b>R360.00</b>
<b>(ii) Annual display fee per sign</b>	<b>R1,037.00</b>
Toad traffic project signs	
<b>(i) Administration fee</b>	<b>R360.00</b>
<b>(ii) Annual display fee per sign</b>	<b>R1,037.00</b>
Tourism information signs	
<b>(i) Administration fee</b>	<b>R360.00</b>
<b>(ii) Annual display fee per sign</b>	<b>R1,037.00</b>
Gateway signs	
<b>(i) Administration fee</b>	<b>R360.00</b>
<b>(ii) Annual display fee per sign</b>	<b>R1,037.00</b>
<b>CLASS 6: Mobile signs</b>	
Advertising vehicles	
<b>(i) Application fee + administration fee</b>	<b>R590.00</b>
<b>(ii) Annual display fee per sign</b>	<b>R5,225.00</b>
<b>CLASS 7: Temporary Advertising</b>	
a. In respect of general advertisements of a commercial nature (Events) i.e. construction site advertisements, signs for sporting events, festival & exhibitions, temporary window signs etc.	
<b>(i) Application fee + administration fee</b>	<b>R1,165.00</b>
<b>(ii) Up to 100 posters</b>	<b>R3,030.00</b>
<b>(iii) Each poster thereafter, an additional</b>	<b>R31.00</b>
<b>(iv) Refundable deposits</b>	<b>R805.00</b>
<b>(v) Stickers for each poster</b>	<b>R18.00</b>
b. In respect of general advertisements for awareness campaigns with commercial content logo:	
<b>(i) Application fee + administration fee</b>	<b>R1,196.00</b>
<b>(i) Up to 100 posters, or part thereof</b>	<b>R2,524.00</b>
<b>(ii) Each poster thereafter, an additional</b>	<b>R26.00</b>
<b>(iii) Refundable deposits</b>	<b>R836.00</b>
<b>(iv) Stickers for each poster</b>	<b>R13.00</b>
c. In respect of general advertisements for non-profit organisations (subject to submission of a NPO certificate from relevant authority- e.g. government)	
<b>(i) Application fee + administration fee</b>	<b>R862.00</b>
<b>(ii) Up to 100 posters, or part thereof</b>	<b>R1,209.00</b>
<b>(iii) Each poster thereafter, an additional</b>	<b>R13.00</b>
<b>(iv) Refundable deposits</b>	<b>R502.00</b>

<b>(v) Stickers for each poster</b>	<b>R10.00</b>
d. In respect of election advertisements, per party/per candidate	
<b>(i) Posters (unlimited number)</b>	<b>R2,525.00</b>
<b>(ii) Refundable deposit</b>	<b>R5,049.00</b>
<b>(iii) Administration fee</b>	<b>R360</b>
Estate agents boards	
<b>(i) Administration fee(per agency)</b>	<b>R360.00</b>
<b>(ii) Annual display fee</b>	<b>R836.00</b>
<b>(iii) Advertising deposit ( per agent)</b>	<b>R4,075.00</b>
Banners	
<b>(i) Per banner</b>	<b>R627.00</b>
<b>(ii) Refundable deposit</b>	<b>R502.00</b>
<b>(iii) Sticker for each banner</b>	<b>R18.00</b>
<b>(iv) Administration fee</b>	<b>R360</b>
Removable posters, should council be required to remove any poster ( per poster)	<b>R101.00</b>
<b>CLASS 8: other signs</b>	
Security signs	
<b>(i) Administration fee</b>	<b>R360.00</b>
<b>(ii) Annual display fee per sign</b>	<b>R575.00</b>
Public service and other information signs	
<b>(i) Administration fee</b>	<b>R360.00</b>
<b>(ii) Annual display fee per sign</b>	<b>R500.00</b>
Aerial advertisements	
<b>(i) Application fee + administration fee</b>	<b>R805.00</b>
<b>(ii) Annual display fee per sign</b>	<b>R2,027.00</b>
<b>(iii) Refundable Deposit</b>	<b>R445.00</b>
Electric and illuminated signs	
<b>(i) Application fee + administration fee</b>	<b>R505.00</b>
<b>(ii) A rental rate per metre</b>	<b>R5,225.00</b>
Portable boards	
<b>(i) Administration fee</b>	<b>R360.00</b>
<b>(ii) Annual display fee per sign</b>	<b>R4,075.00</b>
Penalties	
<b>(i) For the erection of any sign without approval, per week</b>	<b>R1,685.00</b>
<b>(ii) For the erection of any billboards without approval, per week</b>	<b>R5,049.00</b>
<b>(iii) For the erection of any posters without approval, per week</b>	<b>R1685.00</b>

## **SCHEDULE D: COMPOSITION OF THE ENFORCEMENT COMMITTEE**

PROVINCIAL NOTICE 103 OF 2019

# **RUSTENBURG LOCAL MUNICIPALITY**



## **FIRE BRIGADE SERVICES BY-LAWS**

### **NO. 1 OF 2017**

The Municipal Manager hereby publishes in terms of Section 12 and 13 of the Local Government: Municipal System Act, 2000 (Act 32 of 2000) as amended, read with Section 162 of the Constitution of the Republic of South Africa, Act 1996 (Act 108 of 1996).

The by-law relating to Fire Brigade Services, of which shall come into operation on the date of publication thereof.

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**RUSTENBURG LOCAL MUNICIPALITY FIRE BRIGADE**

**TARIFFS**

**FEES PAYABLE TO THE SERVICE IN TERMS OF SECTION 10 OF THE FIRE  
BRIGADE SERVICES ACT, 1987 (ACT 99 OF 1987), FOR PROVIDING  
EMERGENCY SERVICES**

## FIRE BRIGADE SERVICES BY-LAWS

The **Rustenburg Local Municipality** hereby promulgates the by-laws set out below for its area of jurisdiction in terms of Section 12 of the Local Government: Municipal System act, 2000 (Act 32 of 2000), together with Section 15 of the Local Government: Municipal Structures Act 1998 (Act 117 of 1998).

### PART A

#### DEFINITIONS

1. In these by-laws, unless the context indicates otherwise -

**"access door"** means any door that provides access to an emergency route;

**"activity"** means any work that needs to be performed to test, to service, to renew and/or to replace an extinguisher, hose reel, fire installation and/or service installation;

**"animal"** means any animal that is kept for domestic or agricultural purposes within the area of the controlling authority;

**"area"** means any residential area or any other area within the boundaries of the Municipality;

**"authorised officer"** means a member of the Service authorised by the Chief Fire Officer to conduct certain duties;

**"building"** includes –

(a) any structure, whether temporary or permanent, irrespective of the materials used in its erection, erected or used for or in connection with -

- (i) the accommodation or convenience of human beings and animals;
- (ii) the manufacture, processing, storage, display or sale of any goods;
- (iii) the provision of any service;
- (iv) the destruction or treatment of refuse or other waste materials; and
- (v) the cultivation of any plant or crop;

(b) any wall, swimming-bath, swimming-pool, reservoir or bridge, or any other structure connected with it;

(c) any fuel pump or any tank used in connection with it;

(d) any part of a building, including a building as defined in paragraph (a), (b) or (c); and

(e) any facility or system, or part or portion of it, within or outside but incidental to a building, used for the provision of a water supply, drainage, sewerage, storm water discharge, electricity supply or other similar service in respect of the building;

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

**"certificate of appointment"** means an identification document issued by the Commissioner of the Metro Police to a member as set out in Annexure IV to these by-laws;

**"certificate of fitness"** means a certificate contemplated in Section 20 of these by-laws, which certificate has been issued by the Service and authorises a person to occupy designated premises (which are a public building);

**"certificate of registration"** means a certificate issued by the Service in terms of Section 24 of these by-laws which authorises a person to occupy registered premises, or to use the premises for spray-painting activities or for the storage or handling of hazardous substances;

**"Chief Fire Officer"** means the person appointed by the controlling authority in terms of Section 5(1) of the Fire Brigade Services Act, 1987 (Act 99 of 1987), and includes any member who exercises any power or performs any duty delegated by the Chief Fire Officer to the member under Section 19 of the Act, and also includes an Acting Chief Fire Officer appointed in terms of Section 5(3) of the Act, and "Manager: Fire Services" has a corresponding meaning;

**"code of practice"** means the code of practice as defined in Section 1 of the Standards Act, 1993 (Act 29 of 1993);

**"controlling authority"** means the local authority in control of the Service as defined in the Fire Brigade Services Act, 1987;

**"control room"** means a room on any premises which is specifically designed, built and equipped to coordinate and control an emergency situation in or on the premises in question;

**"designated officer"** means the person designated in terms of Section 22 of the Rationalisation of Local Government Affairs Act 1998, (Act No. 10 of 1998); and a designated officer also means a metro police officer as defined in Section 64G of the South African Police Services Act, 1995 (Act No. 68 of 1995) as amended

**"designated premises"** means any premises designated by the Service with a view to an emergency evacuation plan as contemplated in Section 19 of these by-laws;

**"device"** means any vehicle, mechanical or electrical implement, electrical motor, machine, instrument, apparatus or other implement of which the whole or any part is used or is capable of being used for, in or in connection with the manufacture, treatment, provision, delivery, supply, packaging, labelling, storage, conveyance, loading and unloading, handling, preparation, serving or administering of any grouped hazardous substance, and includes any delivery pump, filling device, spray-painting device and mechanical hoist;

**"discharge"** means the ignition or activation of any fireworks whatsoever;

**"distance to be covered"** means the distance that a person would in normal circumstances have to cover to exit a room, measured from the furthest point in the room;

**"dump"**, in relation to a grouped hazardous substance, means to deposit, discharge, spill or release that substance (whether or not the substance in question is enclosed in a container), or to have it or permit it to be deposited, discharged, spilled or released, or to deposit, discharge, spill or release it in such a way or place, or under such circumstances or for such a period, or to have it or permit it to be so deposited, discharged, spilled or released in a manner that reasonably indicates the intention to abandon or discard the substance, and "dumping", "spilling" and "spill into" have a corresponding meaning;

**"emergency"** means an incident or eventuality that poses or may pose a serious threat to any person or property, and "emergency situation" has a corresponding meaning;

**"emergency evacuation plan"** means a written procedure and a set of detailed plans as contemplated in Annexure III to these by-laws;

**"emergency route"** means that part of an escape route which provides the occupiers of any building with protection from fire and which leads to an escape door;

**"escape door"** means any door at the end of an emergency route, and includes any door leading from the inside to the outside of a building;

**"escape route"** means the entire path of travel, measured from an escape door to the furthest point in any room in a building;

**"explosive(s)"** means –

(a) gunpowder, nitro-glycerine, dynamite, gun cotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance, whether similar to those herein mentioned or not, which is used or manufactured with a view to producing a practical effect by explosion or a pyrotechnic effect;

(b) any fuse, rocket, detonator, cartridge, and every adaptation or preparation of an explosive;

(c) any other substance which the President may from time to time by proclamation in the *Government Gazette* declare to be an explosive;

(d) a petrol bomb; and

(e) any container, apparatus, instrument or article which –

(i) contains any inflammable substance and can be used or adapted so that it can be used to cause an explosion or a fire; or

(ii) was made or can be adapted to cause, in combination with or by means of any inflammable substance, an explosion or a fire;

**"extinguishing stream"** means the amount of water that the Service needs to extinguish a fire;

**"facility"** means any storage tank, whether above ground or below ground, or any transportable or refillable container that can be used for the keeping of hazardous substances, and includes the fuel tank of a motor vehicle, aircraft, vessel, ship or boat;

**"feeder route"** means that part of an escape route which allows travel in two different directions to access doors of at least two emergency routes;

**"fire area"** means the area of jurisdiction of the controlling authority in which provision is made for fire protection as defined in SANS 10090;

**"fire-fighting equipment"** means any portable fire extinguisher, mobile fire extinguisher, hose reel or fire hydrant;

**"fire grading"** means, with regard to materials, components and elements used in the construction and finishing of buildings, those materials, components and elements which have been tested and classified in accordance with SANS 0177, Parts II to V, as amended;

**"fire incident"** means a fire on any premises in the area;

**"fire installation"** means any water installation which conveys water solely for fire-fighting;

**"fire risk category"** means a fire area being divided into sub-areas which fall into one of the following fire-risk categories:

**Category A:** Central business districts and extensive commercial and industrial areas normally found in cities and large towns (areas where the risk to life and property are likely to be high due to fire occurrence and spread).

**Category B:** Limited central business districts, smaller commercial or industrial areas normally associated with small towns and decentralised areas of cities and large towns (areas where the risk to life and property is likely to be moderate due to fire occurrence and spread).

**Category C:** Residential areas of conventional construction.

**Category D:** Rural risks of limited buildings and remote from urban areas.

**Category E:** Special risks. Individual risks requiring a pre-determined attendance over and above the predominant risk category in an area. Includes large shopping /entertainment centres, informal settlements, harbours, hospitals, prisons, large airport buildings, high-rise buildings and petrochemical plants.

**NOTE:** High-rise buildings, as defined in SANS 10400, are an integral part of central business districts (**CBD**) and would therefore be included in Category A.

Buildings with major fire safety deficiencies may, however, be classed as special risks.

**"fireworks"** means explosives under Class 7, Division 2, shop goods only, as contemplated in Regulation 9.1 under the Explosives Act, 1956 (Act 26 of 1956);

**"grouped hazardous substance"** means a group of hazardous substances as contemplated in Section 1 of the Hazardous Substances Act, 1973 (Act 15 of 1973);

**"hazardous substance"** means any substance, mixture of substances, product or material that has been declared to be a Group I, II, III, IV, V, VI, VII, VIII or IX hazardous substance in terms of Section 2(1) of the Hazardous Substances Act, 1973;

**"inspector"** means a member appointed as an inspector in terms of Section 2(5) of the Explosives Act, 1956, to control fireworks in so far as the storage, use and sale of fireworks are concerned;

**"major hazardous installation regulations"** means the regulations published in Government Gazette No. R 60 dated 16 January 1998, as amended;

**"member"** means a member of the Service as contemplated in Section 6 and 6A(5) of the Fire Brigade Services Act, 1987;

**"Municipality"** means the duly constituted Rustenburg Local Municipality;

**"National Building Regulations"** means the regulations published by Government Notice R2378 of 12 October 1990 in *Government Gazette* 12780, as amended;

**"normative reference list"** means the list of South African National Standards, SANS specifications or codes of practice and other legislation which are contained in Annexure V to these by-laws;

**"occupancy"**, in relation to any public building, means the assembly of people in or on any premises or the participation of people in any activity in or on any premises contemplated in the definition of "public building";

**"occupier"** means any person who actually occupies or has control over any premises, irrespective of the title under which he/she occupies or has control over the premises;

**"owner"**, in relation to land or premises, means the registered owner of the land or premises, and includes any person who receives the rental or profit from the land or premises from any tenant or occupier, whether for his/her own account or as an agent for a person who is entitled to the rental or profit or who has an interest therein, and, in relation to a Sectional title scheme in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), for the purposes of Section 18 of the Fire Brigade Services Act, 1987, the body corporate as contemplated in the Sectional Titles Act, 1986, and, in the case of a deceased or insolvent estate, the executor or the curator respectively;

**"power insulating switch"** means a bipolar switch that can be activated with an L-type key of which one end is fitted with a bayonet-type socket switch;

**"premises"** means land, a building or other construction or structure, or any part of it, and includes –

- (a) a train, boat, ship, aircraft or other vehicle, excluding, where applicable, the fuel tank of any such vehicle; and
- (b) any building or room in which explosives are stored, kept or handled for the purpose of sale: Provided that if a building is divided into more than one room, each room used for the storing, keeping or handling of explosives is considered to be separate premises;

**"public building"** means any building where people gather to view theatrical and operatic performances, orchestral and choral recitals, and cinematographic screenings, or to attend or participate in indoor sports activities, including any place where people dance or practise or perform any physical activity;

**"public place"** means a public place as defined in Section 63 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939);



**"rational design"** means any design involving a process of reasoning and calculation, and includes any such design which is appropriate in the application of a code of practice or other similar design;

**"registered premises"** means premises in respect of which the Service has issued a certificate or permit for spray-painting activities and the storage, handling and use of hazardous substances, as well as a certificate or permit to occupy premises;

**"retail dealer"** means a person or concern that, for the purposes of dealing in explosives, supplies such explosives to any other person for use by that person and not for resale;

**"room"** means any room or other partitioning in a building;

**"Service"** means the Fire Brigade Service established by the controlling authority as contemplated in Section 1 of the Fire Brigade Services Act, 1987;

**"service installation"** means any automatic extinguishing installation, fire pump connector, fire pump, emergency power and/or standby generator, fire detection system, fire locating system, fire alarm system, emergency lighting system, emergency evacuation communication system, mechanical ventilation system, pressure regulating system, smoke ventilation system, hoists and symbolic safety signs, and includes smoke and fire door assemblies;

**"spill into"** (see the definition of "dump");

**"spraying permit"** means a permit issued by the Service in terms of Section 48(1)(a) of these by-laws;

**"spraying room"** means any room, building or structure that is designed, built, equipped or erected solely for spraying or coating vehicles, parts of vehicles, or any other objects with Group III hazardous substances and/or combinations of Group III hazardous substances, or with any other substance, to form a decorative and/or corrosion resistant layer, or for any purpose incidental thereto, and "spraying booth" and "submersion tank", as well as any related process involving electrolysis, have a corresponding meaning;

**"storeroom"** means a room which is constructed, equipped and maintained as contemplated in Section 46 of these by-laws;

**"storey"** means that part of a building which is situated between the top of any floor and the top of the floor above it or, if there is no floor above it, that portion between such floor and the ceiling above it (any mezzanine floor, open work floor, catwalk or gallery is regarded as part of the storey in which it is situated):

Provided that, in relation to a building –

(a) the ground storey will be regarded as the storey in which there is an entrance to the building from the level of the adjoining ground or, if there is more than one such storey, the lower or lowest of these storeys;

(b) a basement will be regarded as any part of the building which is below the level of the ground storey;

(c) an upper storey will be regarded as any storey of the building which is above the level of the ground storey; and

(d) the height, expressed in storeys, will be regarded as that number of storeys which includes all storeys other than a basement;

**"temporary structure"** means any structure that is apparently temporary in nature;

**"vehicle"** includes a semi-trailer or trailer which has at least four wheels with independent axles and suspension systems and can be hitched to a truck tractor, a tank truck or any other motor vehicle as contemplated in the National Road Traffic Act, 1996 (Act 93 of 1996), as the case may be;

**"wheel blocks"** means wedge-shaped blocks, manufactured from material which, when scraped against the surface of any other object or material, does not produce sparks or generate static electricity; and

**"wholesale dealer"** means a person or concern that, for the purposes of trade, supplies explosives to any other dealer for resale.

**PART B****ADMINISTRATIVE PROVISIONS****ORGANISATION OF THE SERVICE**

2. (1) The controlling authority may, subject to Section 3(3) of the Fire Brigade Services Act, 1987, establish and maintain a Service within its area, which includes the appointment of personnel and the acquisition of vehicles, machinery, equipment, devices and accessories that may be necessary to operate the Service efficiently, and the Service is intended to be used for –
- (a) preventing the outbreak or spread of a fire;
  - (b) fighting or extinguishing a fire;
  - (c) the protection of life or property against a fire or other threatening danger;
  - (d) the rescue of life or property from a fire or other threatening danger;
  - (e) the performance of any other function connected with any of the matters referred to in Sub-section (1)(a) to (e).
- (2) (a) The Chief Fire Officer is in charge of the Service.
- (b) Whenever the Chief Fire Officer is for any reason unable to perform his/her duties of office, the controlling authority will appoint a member as Acting Chief Fire Officer to perform the duties and functions of the Chief Fire Officer.
- (3) The controlling authority may, in terms of an agreement as contemplated in Section 12 of the Fire Brigade Services Act, 1987, employ its Service within or outside its area of jurisdiction, or within or outside the Province of North West, against payment of the tariffs determined in Annexure I to these by-laws, or against payment in terms of or on the conditions contained in the agreement concerned.

**DRIVING SERVICE VEHICLES**

3. (1) Any member may, with the written authority of the Chief Fire Officer, drive a Service vehicle if he/she has the applicable driving licence for the vehicle in question as required by the National Road Traffic Act, 1996.
- (2) A member who is duly authorised to do so, as contemplated in Sub-section (1), must drive a Service vehicle in accordance with the National Road Traffic Act, 1996, and any regulations made under the Act.

- (3) Any member who fails to comply with the provisions of this Section is guilty of an offence.

#### **PROCEDURE AND DUTIES DURING AN EMERGENCY SITUATION**

4. (1) The Chief Fire Officer or a member who is in charge of an emergency situation must, in respect of every emergency situation in which he/she is in charge, ensure that -
- (a) adequate manpower and the appropriate apparatus and equipment are made available and are used without delay;
  - (b) the emergency situation is assessed on arrival at the premises in question and that additional equipment and/or assistance that he/she may deem necessary is sent for without delay, where applicable, as agreed upon in and subject to the agreement as referred to in Section 2(3) of these by-laws; and
  - (c) all pertinent information, including information about places and times and relevant particulars, is recorded during the emergency situation or as soon as possible after the emergency situation, and that the recorded information is preserved in accordance with the provisions of the National Archives of South Africa Act, 1996 (Act 43 of 1996), and any regulations made under the Act.
- (2) All persons and/or bodies, including any State department as contemplated in Section 17 of the Fire Brigade Services Act, 1987, the South African Police Service and the Department of Justice, who wish to inspect any information referred to in Sub-section (1)(c) must send a written application to the Chief Fire Officer, accompanied by the fees prescribed in Annexure I to these by-laws, together with an appropriate substantiation as to why the information is required.
- (3) Any press release concerning emergency situations or any matter connected with an emergency situation must be in accordance with the policy guidelines determined by the controlling authority.

#### **PRETENDING TO BE A MEMBER**

5. (1) No person, except a member, may wear any official clothing, uniform, badge or insignia of the Service which creates or may create the impression that he/she is a member.
- (2) No person may falsely present himself / herself as a member or pretend to be a member.
- (3) Any person who so pretends to be or presents himself/herself as a member must, irrespective of whether he/she has been requested to do so, identify himself / herself by producing the relevant certificate of appointment and/or mark of appointment, as prescribed in Annexure IV to these by-laws, or by furnishing proof of identity within a reasonable period.
- (4) Any person who contravenes or fails to comply with this Section is guilty of an offence.

#### **POWERS OF MEMBERS AND DESIGNATED OFFICERS**

6. (1) Every member, including the Chief Fire Officer, has all the powers provided for in the Fire Brigade Services Act, 1987.
- (2) A designated officer may -

(a) seize any certificate of fitness, certificate of registration or spraying permit provided for in these by-laws if the conditions of or endorsements in the document are not being complied with, or if the member has reasonable grounds to suspect that unauthorised changes have been made to the document;

(b) institute the relevant prosecution in connection with Sub-section (2)(a) or have the prosecution instituted, as the case may be; and

(c) seize anything (hereinafter called "object") on any premises that is connected with a spraying permit, certificate of registration or certificate of fitness, but must provide reasonable proof of a contravention of any condition of or endorsement in such permit or certificate and must remove the object or have the object removed to a place of safe custody: Provided that the seizure does not exempt any person from any other relevant provisions of these by-laws: Provided further that the seizure is, subject to Section 20 of the Fire Brigade Services Act, 1987, made in accordance with the following conditions:

(i) The Chief Fire Officer must grant prior approval in writing for the seizure.

(ii) Official proof of seizure must be issued to the person from whom the object has been seized, together with a description of the object.

(iii) After an order issued in terms of the Fire Brigade Services Act, 1987, or these by-laws has been complied with in full or after a prosecution in terms of Section 21 of the Fire Brigade Services Act, 1987, has been instituted and finalised, as the case may be, any object seized must be returned to the person from whose possession it was taken.

3) Any officer may seal off any building or premises by temporarily closing a street, passage or place which he/she deems necessary for public safety or for effectively fighting a fire or dealing with any other emergency that may give rise to a fire or explosion, and the member may remove, using no more force than is reasonably necessary, any person who refuses to leave the street, passage or place after having been requested by the member to do so.

(4) (a) **Designated officers must be –**

(i) suitably trained and certified as law enforcement officers and be appointed as such in terms of Government Notice **R159 of 2 February 1979**, as amended;

(ii) Appointed as deputy messengers of the court in terms of Section 15(2) of the Magistrates' Courts Act, 1944 (Act 32 of 1944);

(iii) Appointed as inspectors of explosives in terms of Section 2(5) of the Explosives Act, 1956, regarding the storage, sale and use of fireworks; and

(iv) Appointed as inspectors in terms of Section 8 of the Hazardous Substances Act, 1973.

(b) All designated officers have the power -

- (i) in terms of the provisions of Section 56, read with Section 57, of the Criminal Procedure Act, 1977 (Act 51 of 1977), to issue summons involving a spot fine;
- (ii) in terms of the provisions of Section 341 of the Criminal Procedure Act, 1977, to issue spot fines for certain minor offences;
- (iii) in terms of the provisions of Section 44 of the Criminal Procedure Act, 1977, to issue a warrant of arrest;
- (iv) in terms of the provisions of Section 41 of the Criminal Procedure Act, 1977, to ask certain persons for their names and addresses and to arrest persons without a warrant if duly authorised to do so; and
- (v) in terms of the provisions of Section 54 of the Criminal Procedure Act, 1977, to serve summons in order to secure the attendance of the accused in a magistrate's court.

#### **MAKING SERVICE EQUIPMENT AND MANPOWER AVAILABLE**

- 7. (1) With the approval of the controlling authority, the Service may, at the request of anybody or person and at the tariffs determined in Annexure I to these by-laws, use any equipment and/or manpower at its disposal to provide any special service in connection with the aims of the Service.
- (2) The said equipment and/or manpower may be withdrawn summarily if the equipment and/or manpower is required elsewhere for or in connection with an emergency situation.

### **PART C**

#### **FIRE PROTECTION AND FIRE-FIGHTING**

##### **COMBUSTIBLE MATERIALS AND REFUSE**

- 8. (1) No person may store any combustible materials of whatever nature, or have them stored or permit them to be stored in such a manner and in such a position as to likely pose a fire hazard to any human being, animal, building or premises.
- (2) No person may allow grass, weeds, reeds, shrubs, trees or any like vegetation to become overgrown on premises to such an extent that it may pose a fire hazard or a probable fire hazard to any adjacent premises and/or any other person's property.
- (3) Any person who fails to comply with the provisions of this Section is guilty of an offence.

#### **MAKING FIRES**

- 9. (1) No person may, within the area, make an open, uncontrollable or unattended fire or permit a fire to be made in such a place and/or in such a manner as to pose a real or potentially real threat to any human being, animal, building, premises or other property:

Provided that this prohibition is not applicable to -

- (a) a fire in an approved, purpose-made stove, fireplace or hearth which is an integral part of a structure;
  - (b) a fire for preparing food on private premises or premises set aside for that purpose; and
  - (c) a device for preparing food, which device is heated by means of electricity or liquid petroleum gas and is positioned in such a way that the device poses no threat to life or property on any premises.
- (2) No person may, without the written authority of the Service, burn any refuse, wood, straw or other combustible materials within the area, or have them burnt or permit them to be burnt within the area, unless the refuse, wood, straw or other combustible materials are burnt inside an approved purpose-made incinerator or incinerating device, subject to the provisions of Sub-section (1).
- (3) Any person who fails to comply with the provisions of this Section is guilty of an offence.

### **FIREBREAKS**

10. (1) The owner or occupier of premises in the area may not permit the premises to be or become overgrown with grass, weeds, reeds, shrubs and trees to the extent that the grass, weeds, reeds, shrubs and trees may pose a real or potentially real fire hazard to any adjoining premises or other premises or property.
- (2) The owner or occupier of –
- (a) an erf or premises situated within a proclaimed township in the area must remove the fire hazard or ensure that the fire hazard is removed by -
    - (i) cutting to a maximum height of 150 mm above ground level any grass, reeds and/or weeds which may reasonably be connected with the fire hazard;
    - (ii) cutting around any shrubs and/or trees which may be standing in the area being cut;
    - (iii) pruning, chopping down or sawing off such shrubs and/or trees, as the case may be; and
    - (iv) removing all chopped and/or sawn off residue from the erf or premises or ensuring that the residue is removed; and
  - (b) an agricultural holding or farm situated in the area must reduce the potential fire hazard by physically clearing a safety fire belt, at least 5 m wide (measured parallel from each boundary line which borders the premises to the inside of the premises) so that no vegetation or residue whatsoever remains on this belt, and the owner or occupier must at all times maintain the belt or ensure that the belt is maintained in such condition: Provided that where obstructions occur within the 5m belt, a 5m belt is also maintained around those obstructions.



(3) Notwithstanding the above, the provisions of the National Veld and Forest Fire Act, 1998 (Act 101 of 1998) and the regulations there-under, apply *mutatis mutandis* to the application of this Section.

(4) Any person who fails to comply with the provisions of this Section is guilty of an offence.

#### **INSPECTION OF PROPERTIES AND INSTRUCTIONS TO OCCUPIERS**

11. (1) Any officer contemplated in Section 6(4) of these by-laws may, in executing all powers delegated in terms of relevant and applicable legislation, enter any premises at any reasonable time to conduct inspections to determine whether there is any fire hazard on the premises.

(2) An officer contemplated in Sub-section (1) may, arising from a condition referred to in Sub-section (1), serve on the occupier of the premises or any other premises a written instruction and fire protection directives and requirements that are necessary to rectify the condition on or in the premises in order to reduce the fire risk and/or to protect life and property, which instruction must determine a deadline for compliance with the directives and requirements.

(3) (a) Whenever a condition exists or is found in or on any premises, whether or not structural in nature, or anything else exists that may increase the fire risk or pose a threat to life or property, and the condition or anything else cannot be rectified immediately, or if costs need to be incurred to rectify it, the owner of the premises must, after receiving the rectification directives referred to in Sub-section (2), inform the Chief Fire Officer forthwith in writing about the measures which the owner intends taking to rectify the condition and must submit a programme with a deadline to the Service for approval.

(b) The Chief Fire Officer may approve the proposed measures and deadline with or without amendments and may give instructions for compliance with the measures.

(4) Any person who fails to comply with a written instruction referred to in this Section is guilty of an offence.

#### **ACCESSIBILITY OF FIRE-FIGHTING EQUIPMENT**

12. (1) Fire-fighting equipment and the appropriate service installations must be installed so as to be readily accessible at all times.

(2) Any person who, in whatever way, causes or permits fire-fighting equipment and the appropriate service installations not to be readily accessible is guilty of an offence.

#### **FIRE PROTECTION REQUIREMENTS FOR PREMISES**

13. (1) In addition to any other provisions contained in these by-laws, the Building Regulations, published under Government Notice R2484 of 26 October 1990, as amended, which are contained in Code of Practice SANS 10400 and called "The Application of the National Building Regulations", and any additional building regulations published for application in the area, are, for the purposes of the enforcement of these by-laws in

relation to fire protection requirements, applicable *mutatis mutandis* to premises in the area.

- (2) If any superfluous water unavoidably spills into or is collected in a basement for whatever reason during fire extinguishing activities, adequate means must be provided to convey the water so spilled or collected to a storm water drain.
- (3) No high- and/or low-voltage transformer room(s) in any building may be situated on any level other than the ground level: Provided that -
  - (a) the access to the transformer room(s) is situated on the outside of the building; and
  - (b) provision is made for adequate access to the transformer room(s) for fire-fighting activities and/or maintenance.
- (4) Whenever an approved sprinkler system is required in accordance with the provisions of SANS 10400; SANS 10087, Part III; and SANS10089, Part I, the sprinkler system must be planned, designed and installed in accordance with the guidelines of SANS 0287 for automatic sprinkler installations and in consultation with the Service.
- (5) Any person who fails to comply with any of the provisions of Sub-sections (2), (3) and (4) or any provisions contained in Part A, Part K, Part M, Part O, Part T, Part V and Part W of SANS 10400, as amended, where the provisions relate to fire protection matters, is guilty of an offence.

#### **ACCESS FOR FIRE-FIGHTING AND RESCUE PURPOSES**

14. (1) All premises in the area must be planned, designed and constructed so as to ensure that -
  - (a) provision is made (in addition to the street reserve) on the premises for the parking and operating of Service machines and/or equipment on a climate-proof and weather-proof parking surface that is at least 10m wide and runs the full length of the side elevation which borders the surface;
  - (b) if a building does not front onto a street, an access road is provided, the dimensions and carrying capacity of which must be suitable for the fire engines used by the Service (dimensions obtained from statistics of the Service's fire engines), with specific reference to the length, width and tonnage of the fire engines: Provided that the dimensions must be equal to the largest fire engine that is likely to be used on the premises in question; and
  - (c) whenever any entrance arch spans a driveway to a group housing, cluster housing or townhouse complex or is constructed over an access to a shopping centre or office complex, the dimensions of the opening of the arch must be at least 4.0m wide and (4,5m) high and there must be nothing causing an obstruction of the opening:

Provided that if the dimensions of the entrance arch are less, another access or service gate to the premises must be provided, which access or gate is capable of being opened to (4.0m).

- (2) (a) The appropriate street number of every built-up premises within the area must be displayed clearly on the street boundary of the premises in question. This number must be not less than 75mm high and must be visible from the street.
- (b) The owner or occupier of any premises must maintain the street number to ensure that it is legible at all times.
- (3) Any person who fails to comply with the provisions of this Section is guilty of an offence.

#### **UPKEEP AND MAINTENANCE OF FIRE-FIGHTING EQUIPMENT**

15. (1) The owner of any premises must ensure that –

- (a) all fire-fighting equipment or other appropriate service installations that have been provided or installed on or in connection with the premises are maintained in a good working condition by a competent person and/or firm approved by the SANS as contemplated in SANS 1475 and registered in terms of SANS 1475;
  - (b) Portable and mobile fire extinguishers and hose reels are serviced and maintained in accordance with the provisions of SANS 10105 and SANS 1475;
  - (c) fire installations and any other relevant service installations are inspected and serviced in accordance with the specifications of the manufacturers of the installations; and
  - (d) Installations are inspected by a registered person at least every twelve calendar months.
- (2) Any person who checks, services, renews, replaces or works on any fixed service installation must –
- (a) on completing the work, certify that the service installation is fully functional; and
  - (b) Notify the Service immediately in writing if he/she finds that the service installation cannot, for whatever reason, be readily repaired to its functional state.
- (3) The owner of any premises must keep a comprehensive service record of all fire-fighting equipment and any other appropriate service installation on his/her premises and submits the record to the Service every twelve months.
- (4) Any person who fails to comply with the provisions of this Section is guilty of an offence.

#### **EXTRACTOR FAN SYSTEMS**

16. (1) Extractor fan systems and related ducts or similar chimney systems must be designed and installed in accordance with SANS 1850, (Standard for the design and manufacture of commercial kitchen extraction systems) and in such a manner as to grant adequate access (that is clearly marked) for trouble-free inspection and maintenance of and repairs to the relevant mechanisms.
- (2) Every filter, damper, screen or conduit that forms an integral part of a system referred to in Sub-section (1) must be regularly cleaned, maintained and checked to ensure that fatty residues or any other combustible residues do not accumulate.

- (3) The conduit and outlet of any system referred to in Sub-section (1) must be installed so as not to pose a fire hazard or probable fire hazard to any premises or property.
- (4) Any person who fails to comply with the provisions of this Section is guilty of an offence.

### **RATIONAL DESIGNS**

17. (1) the construction, design and/or erection of –

- (a) Hangars;
- (b) Helipads;
- (c) Grain silos;
- (d) Atriums;
- (e) Air traffic control towers;
- (f) Towers for communications or other uses;
- (g) Military structures or buildings;
- (h) Thatched structures larger than 20 m<sup>2</sup> and situated within 4,5 m of any boundary line;
- (i) Tents and any other temporary structures for holding public gatherings;
- (j) open-plan commercial and industrial premises, of which the distance to be covered to escape doors and/or exit doors exceeds 45 m; and
- (k) any other structure or building identified at the discretion of the Chief Fire Officer, in the area must comply with an acceptable rational design which meets all the applicable requirements of Regulation T1(1) of the National Building Regulations.

(2) Subject to the provisions of Sub-section (1), provision must also be made, in the case of hangars or helipads, for -

- (a) The drainage of any liquid from the floor of the hangar or helipad and/or approach to the hangar;
- (b) The channelling of any liquid to a drainage area which is effectively connected to a separator well;
- (c) The prevention of any liquid from spreading from the floor of the hangar or helipad to any rooms, adjacent buildings or to the outside of the hangar; and
- (d) Earthing devices for discharging static electricity.

(3) Any person who fails to comply with the provisions of this Section is guilty of an offence.

### **DUMPING SITES**

18. (1) The design, layout and construction of any dumping site of whatever nature must be done in conjunction with the instructions of the national Department of Water Affairs and Forestry and the national Department of Environmental Affairs and Tourism, and those of the Service.

- (2) Any person who fails to comply with the provisions of this Section is guilty of an offence.

### **EMERGENCY EVACUATION PLANS**

19. (1) The owner or occupier of designated premises must -

(a) Within 30 days after the premises have been designated by the Service, prepare a comprehensive emergency evacuation plan for the premises, in triplicate, and must have it ready for inspection and approval by the Service, which plan must be in accordance with the guidelines prescribed in Annexure III to these by-laws;

(b) constitute an internal fire protection committee from among the internal staff and occupiers to assist with the planning and organisation of a fire protection programme, which programme includes regular, scheduled fire evacuation drills on the premises;

(c) ensure that -

(i) the emergency evacuation plan is revised and updated whenever the floor layout changes or whenever the Service requires revision or updating, but in any case at least every twelve months;

(ii) updated records of revised emergency evacuation plans, fire protection programmes, evacuation drills and related documents are kept and maintained at all times; and

(iii) The emergency evacuation plan and relevant documents are at all times available in a control room for inspection by the Service; and

(d) Identify a predetermined place of safety outside, but in the vicinity of, the designated premises, where occupiers may gather during an emergency situation for the purpose of compiling a list of survivors.

- (2) The Service may from time to time -

(a) Provide directives for updating and/or amending an emergency evacuation plan;

(b) instruct the owner or occupier of designated premises in writing to implement such fire protection programmes that, in the opinion of the Chief Fire Officer, are necessary to ensure the safety of the occupiers of the designated premises; and

(c) Require the owner or occupier of designated premises to furnish the Service with a certified copy of any emergency evacuation plan and/or relevant documents on such day and at such time and place as the Service may determine.

- (3) Any person who fails to comply with the provisions of this Section is guilty of an offence.

### **CERTIFICATES OF FITNESS FOR ALL PUBLIC BUILDINGS**

20. (1) The owner of any public building, or of any temporary structure which is erected or intended for holding public gatherings, must apply in writing to the Service for the issuing of a certificate of fitness for every type of gathering or for the proceedings envisaged in the premises or structure, and must pay the fees, as determined in Annexure I to these by-laws, when submitting the application form (the design guidelines appear in Annexure II to these by-laws).

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- (2) No certificate of fitness will be issued for a public building unless the relevant provisions of these by-laws have been complied with.
- (3) A certificate of fitness issued to the owner of a public building will be endorsed with the following information, where applicable:
- (a) The trade name and street address of each occupier
  - (b) The type of activity of each occupier
  - (c) The name of the persons on the executive
  - (d) The permissible number of people in proportion to the usable floor area
  - (e) The number of emergency exits and their widths
  - (f) A cancellation clause in the event of any applicable provision of these by-laws being disregarded
  - (g) An obligation on the part of the holder of the certificate to -
    - (i) Display the certificate prominently on the premises at all times; and
    - (ii) Maintain the certificate in a legible condition at all times
  - (h) A date, year and serial number
  - (i) The date of expiry of the certificate.
- (4) Subject to the provisions of Section 22 of these by-laws, a certificate of fitness is not required for a public building which has been legally erected on commencement of these by-laws.
- (5) If the trade name of a public building changes, the holder of the certificate of fitness must ensure that the change is brought to the attention of the Service immediately and in writing.
- (6) No certificate of fitness will be issued or renewed, as the case may be, unless and until the controlling authority -
- (a) Is in possession of a set of plans referred to in Section 23 of these by-laws and approved by the Service; and
  - (b) Has received the prescribed application form defined in Annexure II to these by-laws, which form has been completed in full and correctly.
- (7) The holder of a certificate of fitness must ensure that he/she is at all times in possession of a valid certificate of fitness.
- (8) (a) Any expansion or removal of or change in anything relating to or in connection with premises for which a certificate of fitness has been issued will result *ipso facto* in the cancellation of the certificate of fitness, including any other authorisation granted in terms of these by-laws.
- (b) The provisions of this Sub-section are not applicable to any action which results in the temporary removal of something for the purpose of effecting repairs or replacements in respect of the premises.

- (9) (a) The owner must submit, on or before the first working day of December of each year, together with the prescribed fees determined in Annexure I to these by-laws, an application for the renewal of the certificate of fitness to the Service on the prescribed form: Provided that if the Service for some reason requires plans of the premises in question for the purposes of the renewal application, the plans must accompany the application.
- (b) The Service may send a reminder in respect of the renewal.
- (10) Any person who fails to comply with the provisions of this Section or who alters or attempts to alter a certificate of fitness, or knowingly allows the certificate to be altered, is guilty of an offence.

### **WATER SUPPLY FOR FIRE-FIGHTING**

21. (1) In any township development, a township developer must provide as follows for water supply for fire-fighting purposes as provided for in **SANS 10090 (Community Protection against Fire)**.
- (2) Fire hydrants must be inspected by the Service at the intervals as provided for in SANS 10090, and a flow and pressure test must be conducted on the stream to determine whether the stream complies with the said code of practise.
- (3) The position of all fire hydrants must be properly plotted for operational use by the Service.
- (4) If any risk area is developed or redeveloped in such a manner that the risk area falls into the high-risk category, the water reticulation must be adapted accordingly without delay, by the developer.
- (5) Any building developer who requires water supply on to the water reticulation system of the controlling authority must submit a complete set of approved fire protection plans for the premises to the Service, as contemplated in Regulation A9 of the National Building Regulations, to obtain a water connection form, as set out in Annexure II to these bylaws, from the Service, for submission to the Water Supply Division of the controlling authority: Provided that –
- (a) if the premises are protected by a sprinkler installation, the water supply requirement must be calculated and designed for each sprinkler installation in accordance with appropriate design criteria, and the size, delivery pressure and flow of the water supply requirement must be calculated in advance by the engineer responsible;
- (b) if the Service requires a larger water supply for the premises to ensure that fire-fighting equipment functions in accordance with the appropriate design requirements as set out in Part W of SANS 10400, the owner of the premises must provide the required water supply; and



- (c) the size, work pressure and delivery flow of any water supply, excluding a water supply as contemplated in Sub-section (10)(a), must be calculated and designed according to the provisions of Part W of SANS 10400 and SANS 0252, Part 1.

### **REGISTRATION APPLICATIONS FOR EXISTING PREMISES**

22. (1) If an owner rebuilds, alters, extends or changes the floor layout of an existing public building that has been legally erected and used, or if ownership or control of the premises changes, no existing certificate of fitness, certificate of registration or spraying permit, as prescribed in Annexure II to these by-laws, will be renewed, unless and until all the appropriate provisions of these by-laws regarding an original application have been complied with.
- (2) No additions or alterations may be made to any existing registered premises unless and until –
- (a) The owner of the premises has submitted to the Building Control Officer and the Chief Fire Officer a plan of the existing premises and of the proposed work, as required in terms of Regulation A2 of the National Building Regulations; and
  - (b) The Building Control Officer and the Chief Fire Officer have approved the plan.
- (3) Any person who fails to comply with the provisions of this Section is guilty of an offence.

## **PART D**

### **HAZARDOUS SUBSTANCES AND FIRE SAFETY PLANS**

#### **APPLICATION FOR APPROVAL OF PLANS**

23. (1) Subject to the provisions of the National Building Regulations and Building Standards Act, 1977, every owner of premises on which there is a building in respect of which a floor layout change, addition, alteration, upgrading and/or renovation is envisaged, or the owner of premises on which bulk, above-ground and underground installations and any other structures are to be erected for the use, storage or handling of hazardous substances or erected in connection with such use, storage or handling, must submit plans in triplicate to the controlling authority on the prescribed form obtainable from the office of the Building Control Officer.
- (2) The prescribed fees payable to the Service for the approval of plans are determined in Annexure I to these by-laws, but these fees do not include the fees charged by the Building Control Officer for the approval of plans.
- (3) The Service will not accept any plan (except for a plan regarded by the Building Control Officer to be that of "minor building work") unless the official certification of submission of the Building Control Officer appears on it.
- (4) No construction work may be started on any premises unless the building contractor is in possession of the relevant plans that have been officially certified as approved by

the Building Control Officer and positive comment has been given by the Fire Safety Section of the Service. For the duration of construction work on the premises the plans in question must be available for inspection by the Service.

- (5) The provisions of Section 23 of the National Building Regulations and Building Standards Act, 1977, are applicable to the approval of plans as regulated in this Section.
- (6) The approval of any plan by the controlling authority will be null and void if, within one year of the date of such approval, the buildings or constructions have not been erected in accordance with the approved plans.
- (7) Any owner of premises who fails to comply with the provisions of this Section or any person who on behalf of the owner is involved in any activity contemplated in this Section and fails to comply with the provisions of this Section is guilty of an offence.

### ISSUING OF CERTIFICATES OF REGISTRATION

24. (1) No person may on any premises use, handle or store quantities of hazardous substances in excess of the quantities referred to below or permit them to be used, handled or stored, unless and until the person is in possession of a certificate of registration as provided for in Annexure II to these by-laws and issued in respect of the specific quantities and appropriate devices on approved premises: Provided that if only one of the groupings referred to below is present on the premises and the applicable maximum permissible quantity is not exceeded, the provisions of this Section are not applicable:

#### Group I: Explosives

Fireworks	No exemption
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#### Group II: Gases

2.1 Flammable gases	Total cylinder capacity may not exceed (100kg)
2.2 Non-flammable gases	Total cylinder capacity may not exceed 333 Kg
2.3 Toxic gases	No exemption

#### Group III: Flammable liquids

3.1 With flash points $\geq 18^{\circ}$	Total quantity may not exceed 100 Litre
3.2 With flash points $> 18^{\circ}$	Total quantity may not but $\leq 23^{\circ}\text{C}$ exceed 420 Litre
3.3 With flash points $> 23^{\circ}\text{C}$	Total quantity may not but $\leq 61^{\circ}\text{C}$ exceed 1100 Litre
3.4 With flash points $> 61^{\circ}\text{C}$	Total quantity may not but $\leq 100^{\circ}\text{C}$ exceed 1100 Litre

#### Group IV: Flammable solids

4.1 Flammable solids	Total quantity may not exceed 250 Kg
4.2 Pyrophoric substances	No exemption
4.3 Water-reactive substances	No exemption

#### Group V: Oxidising agents and organic peroxides

5.1 Oxidising agents	Total quantity may not exceed 200 Kg
5.2 Group I organic peroxides in packets	No exemption
5.3 Group II organic peroxides in packets	Total quantity may not exceed 200 Kg

#### Group VI: Toxic/infective substances

6.1 Group I toxic substances in packets	Total quantity may not exceed 5 Kg
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6.2 Group II toxic substances in packets	Total quantity may not exceed 50 Kg
6.3 Group III toxic substances in packets	Total quantity may not exceed 500 Kg
6.4 Infectious substances	No exemption

<b>Group VII: Radioactive materials</b>	<b>No exemption</b>
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**Group VIII: Corrosive/caustic substances**

8.1 Group I acids in packets	Total quantity may not exceed 50 Kg
8.2 Group II acids in packets	Total quantity may not exceed 200 Kg
8.3 Group III acids in packets	Total quantity may not exceed 1000Kg
8.4 Group I alkaline substances in packets	Total quantity may not exceed 50 Kg
8.5 Group II alkaline substances in packets	Total quantity may not exceed 200 Kg
8.6 Group III alkaline substances in packets	Total quantity may not exceed 1000Kg

**Group IX: Miscellaneous substances**

9.1 Liquids	Total quantity may not exceed 210 Litre
9.2 Solids	Total quantity may not exceed 210 Kg

- (2) No person may, on any unregistered premises, store, use or handle any of the hazardous substances referred to in Sub-section (1), or have them stored, used or handled, or permit them to be stored, used or handled, unless the hazardous substances are stored, used or handled in such place or in such manner as to ensure that -
- (a) no hazardous substance or fumes of the substance come into contact or are likely to come into contact with any fire, flame, naked light or other source of ignition that may cause the hazardous substance or fumes to catch fire; and
  - (b) the escape of human beings or animals is not hindered or obstructed in the event of a fire or an emergency situation.
- (3) No person may, on any unregistered premises, use or handle hazardous substances, or have them used or handled or permit them to be used or handled on the premises, except in a suitable place out of doors to ensure that any fumes can escape freely, or in a properly and naturally ventilated room to ensure that any fumes or gas does not collect in the room but is effectively disposed of.
- (4) Hazardous substances may be stored on unregistered premises only if the hazardous substances are, when not in use, stored in strong, labelled containers that
- (5) No certificate of registration will be issued in respect of premises for the use, handling or storage of hazardous substances, unless all the applicable provisions of these by-laws have been complied with and a written application for registration, on the prescribed form, as described in Annexure II to these by-laws, has been submitted to the Service, together with the fees prescribed in Annexure I to these by-laws.
- (6) When a certificate of registration is issued, the certificate must be endorsed with the following conditions, namely that the certificate -
- (a) must at all times be displayed in a weather-proof container in a conspicuous place on the premises designated by a member of the Service;
  - (b) must be maintained in a legible condition at all times;

- (c) must reflect the groups and the quantities of hazardous substances for which the premises have been registered;
- (d) must reflect the number of above-ground and/or underground storage tanks or storage facilities, and the capacity of each such storage tank or storage facility;
- (e) must reflect the number of storerooms and the total capacity of each storeroom;
- (f) must reflect the number of gas installations, the type of gas installation and the total volume and/or delivery capacity of each installation;
- (g) must specify the number of storage facilities for other hazardous substances and reflect the volumes intended for each facility;
- (h) must reflect a serial number;
- (i) must indicate whether the issue of such certificate is permanent or temporary;
- (j) must reflect the period of validity and the expiry date of the certificate: Provided that the period of validity will be only twelve calendar months, calculated from the date of issue, and written application for renewal of the certificate reaches the Service at least one calendar month prior to the expiry date;
- (k) is not transferable from premises to premises;
- (l) must, subject to the provisions of Section 22 of these by-laws, be transferable from owner to owner and/or from control to control on the same premises:

Provided that –

- (i) application for such transfer is made to the Service on the prescribed form; and
  - (ii) if the trade name of the premises changes, the holder of the spraying permit and/or certificate of registration must ensure that the change is immediately brought to the attention of the Service;
  - (m) will not be issued unless the Service is in possession of a set of approved plans as required by Section 23 of these by-laws; and
  - (n) will not be issued or renewed unless the prescribed application form has been completed in full and has been submitted.
- (7) (a) Any person who has a legal certificate of registration in his/her possession may apply in writing on the prescribed form to have the total quantity of flammable liquids and number of underground tanks, storerooms, gas installations and other storage areas amended, according to need, and the form must be accompanied by the prescribed fee.
- (b) The Service will approve an application only if the proposed amendments comply with the provisions of these by-laws.
- (c) If the application is approved, the applicant must submit his/her certificate of registration to the Service for amendment.

- (8) The Service may send a holder of a certificate of registration a reminder for renewal of registration. A holder of a certificate who has not received a reminder is not indemnified from possible prosecution.
- (9) The holder of a certificate of registration must ensure that he/she is at all times in possession of a valid certificate of registration.
- (10) Any person who fails to comply with the provisions of this Section or who alters a certificate of registration or who attempts to alter the certificate or permits the certificate to be altered is guilty of an offence.

### **SUPPLY OF HAZARDOUS SUBSTANCES**

25. (1) No person may –

- (a) supply more hazardous substances than the quantities referred to in Section 24(1) of these by-laws to any unregistered premises, or have them supplied or permit them to be supplied;
  - (b) deliver or supply more hazardous substances than the quantity specified in the applicable certificate of registration or hazardous substances of a group other than that specified in such certificate of registration to any premises or person, or have them delivered or supplied or permit them to be delivered or supplied.
- (2) No person may handle any container containing a hazardous substance in a manner that will damage or may damage that container, or permit the container to be damaged.
- (3) Any person who fails to comply with the provisions of this Section is guilty of an offence.

### **EXEMPTIONS**

26. (1) notwithstanding anything to the contrary in these by-laws -

- (a) flammable liquids are not deemed to be stored, handled or transported whenever the liquids are, for normal use, in the fuel tank of a motor vehicle;
  - (b) flammable liquids are not deemed to be stored, handled or transported if the liquids are in the fuel tank of a stationary engine: Provided that the volume of the fuel tank does not exceed 1 000 litre and the fuel tank is surrounded by a liquid proof bund wall, volumetrically be capable of containing the maximum proposed quantity of liquid, plus 10% of the volume of the tank.
- (2) Any person who fails to comply with the provisions of this Section is guilty of an offence.

### **RENEWAL OF SPRAYING PERMITS AND / OR CERTIFICATES OF REGISTRATION**

27. (1) Any holder of a certificate of registration or spraying permit must, before the first working day of December each year, submit an application for renewal of the certificate or permit to the Service on the prescribed form, which form must be accompanied by the fees prescribed in Annexure I to these by-laws: Provided that the Service may require further, additional and/or amended plans of the premises in question for the purposes of renewal.

- (2) Any person who fails to comply with the provisions of this Section is guilty of an offence.

### **TEMPORARY STORAGE OF HAZARDOUS SUBSTANCES**

28. (1) The Service may grant a temporary certificate of registration for a period of not more than six months to any person who, for bona fide reasons, requires more hazardous substances on the premises than the quantities contemplated in Section 24(1) of these by-laws: Provided that –

(a) if the hazardous substances are required for, or in connection with, excavations, construction work and road construction, the quantity must be limited to (23 000) Litre;

(b) an application is submitted on the prescribed form, accompanied by the fees prescribed in Annexure I to these by-laws, together with the plans required by Section 23 of these by-laws; and

(c) the duration of the temporary storage is at the discretion of the Chief Fire Officer.

- (2) Any person whose application for a temporary storage tank is approved must ensure

(a) that the storage tank is surrounded by a liquid-proof bund wall, volumetrically capable of containing the maximum proposed quantity of liquid, plus 10% of the volume of the tank;

(b) provision is made for the run-off of any possible rainwater from the retaining walls or retaining embankments;

(c) the storage tank is not erected within 5 m of any erf boundary, building, excavation, road and/or driveway;

(d) no source of ignition or potential ignition is brought within 5 m of the storage tank;

(e) symbolic signs prohibiting smoking and open flames, at least 300 mm x 300 mm in size, are affixed to all sides of the temporary installation; and

(f) a minimum of two 9kg dry chemical fire extinguishers are installed within 10 m of the temporary installation.

- (3) Any person who fails to comply with the provisions of this Section is guilty of an offence.

### **DELIVERY OF HAZARDOUS SUBSTANCES**

29. (1) Any person delivering hazardous substances to any supplier or user –

(a) may not, while delivering, park any delivery vehicle on or across a pavement or on or across a public road;

- (b) may not, while delivering, let any delivery hose lie on or across a pavement, public road or other premises, or go through or over a building or have it lying there;
  - (c) must ensure that, while delivering, a 9kg dry chemical fire extinguisher is ready at all times;
  - (d) must ensure that, during the transferral of hazardous substances, the delivery vehicle is physically earthed with the storage facility to which the hazardous substances are being transferred;
  - (e) must ensure that, while delivering, the delivery vehicle is in such a position that it can be removed quickly and easily in the event of an emergency situation without exacerbating the situation; and
  - (f) must ensure that no hazardous substance is transferred from a delivery vehicle to a facility that is leaking or broken.
- (2) The owner of any device connected with or used for the delivery of a hazardous substance must ensure that the device is designed for the specific purpose and is in a safe and good working condition.
- (3) The person in charge of any delivery process of a hazardous substance must take reasonable precautionary measures to ensure that no hazardous substance is spilled during delivery on any surface when the substance is transferred from a delivery vehicle to a storage facility.
- (4) No person may transfer any hazardous substance to a motor vehicle, aircraft, vessel, ship or boat while the power source thereof is in operation or permit the substance to be transferred.
- (5) No person may transfer a hazardous substance to an aircraft unless and until the aircraft has been earthed with the transferral device by means of an earth cable.
- (6) Any person who fails to comply with the provisions of this Section is guilty of an offence.

### PROHIBITION OF CERTAIN ACTIONS

30. (1) Any person who stores, uses or handles hazardous substances on premises or has them stored, used or handled or permits them to be stored, used or handled on the premises may not –
- (a) perform any act or action, or have any act or action performed or permit any act or action to be performed that may reasonably result in or cause a fire or an explosion; and
  - (b) perform any act or action, or have any act or action performed or permit any act or action to be performed that may reasonably obstruct the escape to safety of any human being or animal during an emergency situation.
- (2) No person may dump any hazardous substance in or spill any hazardous substance into any borehole, pit, sewer, drainage system or surface water, or



permit any hazardous substance to be dumped in or spilled into any borehole, pit, sewer, drainage system or surface water.

- (3) No person may discard hazardous substances in any manner other than by having the substances removed or permitting the substances to be removed by an organisation which is fully equipped to do so.
- (4) No person may light, bring or use, within 5 m of any area where, to his/her knowledge, hazardous substances are stored, used or handled, any fire or anything else that produces or is capable of producing an open flame or permit the fire to be lit, brought or used within 5 m of such area.
- (5) No person may use any device in connection with hazardous substances in any basement level in a building, excluding a gas welding device and/or gas cutting device for the sole purpose of welding and/or cutting in connection with the maintenance of that building, or have the device used or permit the device to be used in any basement level.
- (6) No person may, while there is another person in or on a bus (except for the driver of the bus, or any other person in charge of the bus), fill the *fuel tank of that bus*, or have it filled or permit it to be filled, or transport any hazardous substances in or on such bus, except in the fuel tank, or have it transported or permit it to be transported.
- (7) Any person who fails to comply with the provisions of this Section is guilty of an offence.

### **"NO SMOKING" SIGNS**

- 31. (1) the owner of a building must, in areas where flammable and/or explosive hazardous substances are used, stored and handled, display symbolic signs prohibiting smoking and open flames, as the case may be. These signs must conform with SANS 1186 and be of the appropriate size as specified by the Service and must be displayed prominently in appropriate places.
- (2) Any owner who fails to comply with the provisions of Sub-section (1) is guilty of an offence.
- (3) Any person who disregards the prohibition in Sub-section (1) or permits the prohibition to be disregarded is guilty of an offence.

### **FIRE-FIGHTING EQUIPMENT**

- 32. (1) Notwithstanding anything to the contrary in these by-laws, the person to whom the certificate of registration in terms of Section 24 of these bylaws and/or spraying permit in terms of Section 48(1) of these by-laws has been issued must ensure that all premises to which such certificate of registration and/or spraying permit applies are equipped with –
  - (a) Portable fire extinguishers, as specified in SANS 1567 (carbon dioxide type), SANS 1910 (dry chemical powder, foam and water types) and SANS 1571 (transportable

type), of a minimum capacity of 9 kg or 9 Litre, as the case may be, in a ratio of one fire extinguisher to every 100 m<sup>2</sup> or part of it: Provided that the Service may specify the type of fire extinguisher to be provided and, if the Service is of the opinion that exceptional hazards or risks necessitate a larger number of fire extinguishers, the Service may require that more fire extinguishers, in a consequential smaller ratio than the ratio stated above, be installed;

- (b) Hose reels, as specified in SANS 543 (hose reels), connected to a water supply as reflected in Part W of SANS 10400, enabling each hose reel to maintain a flow of 0,5 Litre per second at a work pressure of 300 Kpa;
  - (c) Fire hydrants, with couplings as specified in SANS 1128, Part II (Fire fighting equipment - Couplings), in a ratio of at least one to every 1 000 m<sup>2</sup> or part of it; and
  - (d) approved sprinkler systems in any above-ground facility, of which the capacity is 9m<sup>3</sup> or larger, with the exception of temporary storage facilities as referred to in Section 28 of these by-laws, and installed in positions indicated on the plans referred to in Section 23 of these by-laws.
- (2) Fire-fighting equipment must be inspected and maintained by a registered person in accordance with the provisions of SANS 0105 and SANS 1475 at least once every twelve months to the satisfaction of the Service.
  - (3) If fire-fighting equipment is not positioned prominently, the position of the equipment must be indicated by symbolic safety signs in accordance with the specifications of SANS 1186 and to the satisfaction of the Service.
  - (4) Any person who fails to comply with the provisions of this Section is guilty of an offence.

### **REPORTING OF FIRES, ACCIDENTS AND DUMPING**

- 33. (1) The occupier of any premises must immediately report any fire, accident or dumping involving hazardous substances on the premises that has caused damage to property, the ecology of the environment or injury to human beings or animals to the Service.
- (2) Any person who fails to comply with the provisions of this Section is guilty of an offence.

### **SAMPLING**

- 34. (1) whenever a member inspects any premises and suspects that a substance on the premises is hazardous, the member may take a sample of any relevant substance for analysis:

Provided that -

- (a) any sample so taken must be taken in the presence of the owner, occupier or any other third party;
- (b) any sample must be divided into two equal parts and be sealed in similar containers with the following information on the containers:

- (i) The address and the location of the premises
  - (ii) The trade name of the premises or concern
  - (iii) The name and signature of the persons who are present, as contemplated in Sub-section (1)(a)
  - (iv) The date on which and time at which the sample was taken
  - (v) A description of the exact location on the premises where the sample was taken;
- (c) any sample so taken must, at the expense of the owner of the premises, be taken immediately to an accredited institution as determined by the Service for an analysis and a report: Provided further that the results of the analysis may, subject to the rules of the law of evidence, be used as evidence in any potential legal steps that the Service may consider and/or deem necessary, as the case may be.

#### **STORAGE TANKS AND DEVICES THAT HAVE BECOME OBSOLETE**

35. (1) The owner or user of any storage tank and/or related device that has become obsolete must, in accordance with the provisions of Section 37 of these by-laws, remove the tank or device or have the tank or device removed, or fill up the tank with matter as provided for in SANS 10089-3
- (2) Any person who fails to comply with the provisions of this Section is guilty of an offence.

#### **ACCESS TO STORAGE TANKS FOR REPAIRS AND MAINTENANCE**

36. (1) No person may enter or permit any other person to enter any storage tank which contained Group III hazardous substances, unless that person is wearing an effective self-supporting breathing apparatus or until such tank has been de-aerated and made free of gas and fumes, as provided for in SANS 10089-1, as amended.
- (2) No person may enter any storage tank which contained Group III hazardous substances unless that person is attached to a rescue rope controlled by a responsible person who is at all times taking appropriate measures to ensure the safety and welfare of all persons involved.
- (3) Any person who fails to comply with the provisions of this Section is guilty of an offence.

#### **INSTALLATION, ERECTION, REMOVAL AND DEMOLITION**

37. (1) In addition to any other applicable legislation, any person who intends to erect, install, remove, demolish, extend or change any delivery pump, storage tank, storeroom, spraying room, gas installation, storage facility, fire protection arrangement and floor layout in respect of premises or anything connected with the premises, or have any of the above erected, installed, removed, demolished, extended or changed, must notify the Service of his/her intentions at least three working days prior to the commencement date and estimated completion date, and this notification must be made on the form described in Annexure II to these by-laws.

(2) Any failure to act as contemplated in Sub-section (1) will *ipso facto* cancel the certificate of registration and/or spraying permit, as the case may be, in so far as such failure is connected with the matter, as well as any other authorisation, including an exemption granted in terms of these by-laws: Provided that the provisions of this Section are not applicable whenever –

- (a) anything is removed temporarily for carrying out repairs thereto or in connection therewith;
  - (b) any above-ground or underground equipment and/or parts of the equipment are replaced; and
  - (c) any above-ground or underground storage tanks are replaced with tanks of the same capacity.
- (3) (a) No structure, installation or building may, after completion of the action referred to in Sub-section (1), be erected again on the premises in question, unless application for the approval of plans, as contemplated in Section 23 of these by-laws, is made again.
- (b) After completion of the structure, building or installation, application must be made again for a certificate of fitness, spraying permit and/or certificate of registration in accordance with the provisions of **PART D, HAZARDOUS SUBSTANCES**, of these by-laws.
- (4) Any person who fails to comply with the provisions of this Section is guilty of an offence.

#### **GROUP I HAZARDOUS SUBSTANCES**

38. (1) All Group I hazardous substances (explosives) must be handled, used, stored and transported in accordance with the provisions of SANS 10228, 10229, 10232 and 0263, the Explosives Act, 1956, and the Hazardous Substances Act, 1973, and any regulations made under these Acts, as the case may be.
- (2) (a) No person may use or explode any explosives within the area unless the Chief Fire Officer has been notified of this in writing at least seven days prior to its commencement.
- (b) The Chief Fire Officer may impose any fire protection measures he/she deems.
- (3) No person may discharge any fireworks or permit the discharge of any fireworks within the area without the permission of the Chief Fire Officer.
- (4) Any person who by any act or omission commits a breach of any provision of this Section is guilty of an offence, and the explosives or fireworks, if any, may be confiscated, in which case the cost of disposal thereof will be borne by the accused person.

#### **GROUP II HAZARDOUS SUBSTANCES**

##### **Portable containers**

39. (1) All portable metal containers and related devices for Group II hazardous substances must be manufactured, marked, maintained, filled and stored in accordance with the

provisions of SANS 10019, SANS 0228, SANS 0229 and SANS 0238, as the case may be.

- (2) All portable metal containers for liquid petroleum gas must be stored, filled and/or installed in accordance with the provisions of SANS 0228, SANS 0229, SANS 0238, SANS 10019 and SANS 10087, Parts 1 to 10, as the case may be.
- (3) All portable containers for Group II hazardous substances must at all times be transported, stored and/or installed in a vertical position.

#### **Bulk containers**

- (4) All bulk containers for Group II hazardous substances must be designed, manufactured, maintained and installed in terms of the provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), and any regulations made under the Act; SANS 10019; SANS 10087-3; and the provisions of the National Building Regulations and Building Standards Act, 1977, and any regulations made under the Act, as the case may be.

#### **Manifold installations**

- (5) (a) No Group II hazardous substance may, for any reason whatsoever, be used, stored, handled or installed indoors in any manifold installation or otherwise on any premises.

(b) The provisions of this Section are not applicable to the storage, use, handling or installation of a portable liquid petroleum gas container of a maximum water capacity of 45 Litre inside a detached private dwelling-house (H4 occupancy classification in terms of Regulation A20 of the National Building Regulations), on condition that the container is used solely for bona fide residential purposes: Provided that such cylinders are installed in accordance with the requirements of SANS 10087-1.

(i) Any person who furnishes proof, as contemplated in Sub-section (5)(b), must be an approved professional engineer or other registered competent person and, in terms of Regulation A19 of the National Building Regulations, be appointed by the owner or occupier of the building in question.

(ii) Scientifically based detailed calculations and tests must be the basis of such proof.

- (6) (a) No person may, without the permission of the Chief Fire Officer, use, handle, display or apply any hydrogen-filled portable containers, hydrogen devices and/or hydrogen balloons indoors, for whatever purpose.

(b) In enforcing this Sub-section, the concept of "hydrogen gas" includes any gas compound containing hydrogen gas, unless the non-flammable nature and/or no explosiveness of the gas compound can be certified scientifically.

(c) The provisions of Section 39(5)(b) of these by-laws are applicable *mutatis mutandis* to this Sub-section.

- (7) Whenever any person uses acetylene welding devices and/or cutting devices indoors, the devices must be used strictly in accordance with the requirements of SANS 0238:

Provided that the Chief Fire Officer may prescribe fire protection requirements concerning the installation, storage and use of the devices.

- (8) The installation within the area of underground pipelines for any Group II hazardous substance, and branches or manifolds of pipelines, as the case may be, is *mutatis mutandis* subject to the provisions of Sections 22, 23, 24, 25, 27, 29 and 31 of these bylaws.

### **Underground pipelines**

- (9) Any underground pipeline for a Group II hazardous substance must comply with the following requirements:
- (a) The owner of the pipeline must provide fire hydrants, of which the required delivery of each individual fire hydrant must be at least 1 600 litre per minute at a work pressure of 300 kPa, and these fire hydrants must be parallel to the pipeline at every pump station within the area. The owner must maintain the fire hydrants in a working condition at all times.
  - (b) The owner of the pipeline must provide sufficient cathodic protection for the pipeline and maintain the cathodic protection in a working condition at all times.
  - (c) The pipeline must be marked with markers approved by the Chief Fire Officer and must be maintained in a functional condition at all times by the owner of the pipeline.
  - (d) The installation and extension of the pipeline and/or branches to consumers' premises, and the maintenance of the pipeline within the area, must *in toto* be done according to a recognised standard approved by the Chief Fire Officer.
  - (e) No construction work above or below the ground may be done within 16 m of the pipeline reserve, unless the construction company is in possession of written authorisation to do so, which authorisation has been issued by the controlling authority and the owner of the pipeline.
- (10) Any person who fails to comply with the provisions of this Section is guilty of an offence.

## **GROUP III HAZARDOUS SUBSTANCES**

### **Tank manufacture**

40. (1) No person may install, use or utilise or attempt to install, use or utilise any storage tank for the underground storage of Group III hazardous substances, unless the tank has been manufactured in accordance with the provisions of SANS 1535.
- (2) Any person who installs uses or utilises or attempts to install, use or utilise any underground storage tank which does not comply with the requirements of SANS 1535 is guilty of an offence.

### **INSTALLATION OF STORAGE TANKS**

41. (1) Any storage tank for Group III hazardous substances must be installed in accordance with the provisions of SANS 10400; SANS 10089, Parts I, II and III; SANS 10131, Parts I, II and III; SANS 10108 and SANS10086, as the case may be:

Provided that -

- (a) all storage tanks installed indoors must be installed in accordance with the provisions of SANS 10131;
  - (b) all pumps and filling devices installed indoors must be in purpose-built, registered premises;
  - (c) all installations, as contemplated in Sub-section (1)(a) and (b), as the case may be, are subject *mutatis mutandis* to the provisions of Section 23 and Section 24 of these bylaws, as the case may be; and
  - (d) all above-ground storage tanks may be installed in bulk depots only, except those storage tanks contemplated in Section 28 of these by-laws.
- (2) Any person who fails to comply with the provisions of this Section is guilty of an offence.

## PART E

### CONSTRUCTION OF VEHICLES, AS WELL AS TRANSPORTATION AND TRANSPORT PERMITS CONSTRUCTION OF VEHICLES FOR GROUPS I, II, III, IV, V, VI, VII, VIII AND IX HAZARDOUS SUBSTANCES

42. (1) Any road tanker for the transportation of Groups II, III, V, VI, VIII and IX hazardous substances must be constructed and maintained in accordance with the provisions of SANS 0189, SANS 1398 and SANS 0233, as the case may be, and must be labelled in accordance with the provisions of SANS 0232, the Hazardous Substances Act, 1973, and any regulations made under the Act.
- (2) Any vehicle other than a road tanker used for transporting any hazardous substance, as contemplated in Section 2(1) of the Hazardous Substances Act, 1973, must –
- (a) Be built large and strong enough to transport the quantity of hazardous substances intended to be transported in or on the vehicle;
  - (b) Have at least two independent axle systems, each with its own suspension system, excluding a trailer that forms part of an articulated vehicle;
  - (c) Be equipped with a safe mechanical lifting device for loading and offloading containers that contain or have contained hazardous substances of which the gross mass is 25 kg or more;
  - (d) Be equipped with a strong safety edge or safety railing of at least 1 m high, measured from the surface of the body to the top of the body;
  - (e) be provided with strong, durable straps to fasten containers that contain or have contained hazardous substances securely to the body: Provided that the said straps must be anchored firmly to the bodywork of the vehicle and be fitted with a reversible cog winch mechanism that can be locked
  - (f) Have electrical wiring that complies with the requirements of SANS 10314 and be maintained in accordance with SANS 10314;



- (g) Have at least two static-free wheel blocks;
  - (h) Have a power insulating switch, excluding the ignition switch, close to the battery in a position that is readily accessible in an emergency;
  - (i) have a spark-proof and static-free tank that has been designed, constructed and equipped to protect the consignment optimally from shock during an accident so that there is little likelihood of the hazardous substance catching alight in transit: Provided that portable containers that contain or have contained Group II hazardous substances may only be transported in an open-bodied vehicle; and
  - (j) Have a valid roadworthy certificate as prescribed by the National Road Traffic Act, 1996, and any regulations made under the Act.
- (3) Any vehicle transporting hazardous substances for which a transport permit is required as contemplated in Section 44 of these by-laws must be equipped with at least two 9kg dry chemical fire extinguishers, which extinguishers must be –
- (a) Designed and manufactured in accordance with the specifications contained in SANS 1910;
  - (b) Maintained in accordance with SANS 10105 and SANS 1475; and
  - (c) So positioned and installed on either side of the vehicle that they can quickly and easily be reached in the event of a fire.
- (4) The cabin, body, cargo space or tank, as the case may be, fuel tank, chassis and engine of any vehicle that transports hazardous substances must be permanently and effectively earthed electrically with each other.
- (5) Any person who, in the area, transports any group of hazardous substance in a road tanker or in any other vehicle contrary to an requirements contained in this Section, or has it so transported or permits it to be so transported, is guilty of an offence.

#### **DUTIES, RESPONSIBILITIES AND SKILLS OF A DRIVER OF A VEHICLE FOR HAZARDOUS SUBSTANCES**

43. (1) Any driver of a vehicle referred to in Section 42 of these by-laws must have the skills and appropriate documents in terms of the National Road Traffic Act, 1996, and the Road Transportation Act, 1977 (Act 74 of 1977), and must act in accordance with SANS 10189, SANS 10232, the Hazardous Substances Act, 1973, and the regulations made under the Act.
- (2) Any person who fails to comply with the provisions of this Section is guilty of an offence.

#### **SERVICE TRANSPORT PERMIT**

44. (1) The owner of any vehicle used for transporting hazardous substances in the area must, subject to Section 45 of these bylaws, have a valid transport permit in terms of this Section for transporting hazardous substances: Provided that -

(a) each vehicle for which such a permit has been issued must comply with the provisions of Section 42 of these bylaws;

(b) The application form, provided for in Annexure II to these by-laws and obtainable from the Service, must be completed correctly and in full;

(c) The application form must be accompanied by the fees prescribed in Annexure I to these by-laws; and

(d) The application must be submitted for processing to the hazardous substances registration office of the Service at least five days (excluding Saturdays, Sundays and public holidays) prior to the proposed test date.

(2) The transport permit must -

(a) Indicate the date of issue and the date of expiry;

(b) be valid for a period of twelve months from the date of issue;

(c) Indicate the name, in block letters, of the issuing officer and bear the officer's signature;

(d) Indicate a year-linked serial number;

(e) Indicate the group and quantity of hazardous substances to be transported;

(f) Indicate the registration number of the vehicle in question;

(g) Be displayed in a purpose-made waterproof container attached to the side of the chassis frame supporting the tank, load level or load space; and

(h) at all times be maintained in a legible condition.

(3) The Service may send a reminder for renewal of the transport permit to the owner of the vehicle(s). A transport permit holder who has not received a reminder is not indemnified from possible prosecution.

(4) Any person who fails to comply with the provisions of this Section, or who alters or attempts to alter a transport permit or who permits it to be altered, is guilty of an offence.

### EXCEPTIONS WITH REGARD TO TRANSPORT PERMITS

45. (1) Subject to the provisions of Section 44 of these by-laws, the following quantities of hazardous substances are not, while in transit (except where otherwise indicated), subject to the issuance of a transport permit as contemplated in the said Section 44:

#### (a) Single-load hazardous substance(s)

<b>1. Group I: Explosives</b>	No exemption
<b>2. Group II: Gases</b>	
2.1 Flammable gases	Total cylinder capacity may not exceed (100 Kg)

2.2 Non-flammable gases	Total cylinder capacity may not exceed 333 Kg
2.3 Toxic gases	No exemption:

Provided that any gas cylinders which are inside a framework attached to a heavy goods vehicle and which are intended for heating the product being transported are exempt from these provisions.

### 3. Group III: Flammable liquids

3.1 With flash points $\leq 18^{\circ}\text{C}$	Total quantity may not exceed 100 Litre
3.2 With flash points $> 18^{\circ}\text{C}$	Total quantity but $\leq 23^{\circ}\text{C}$ may not exceed 420 Litre
3.3 With flash points $> 23^{\circ}\text{C}$	Total quantity but $\leq 61^{\circ}\text{C}$ may not exceed 1 100 Litre
3.4 With flash points $> 61^{\circ}\text{C}$	Total quantity but $\leq 100^{\circ}\text{C}$ may not exceed 1 100 Litre

### 4. Group IV: Flammable solids

4.1 Flammable solids	Total quantity may not exceed 250 Kg
4.2 Pyrophoric substances	No exemption
4.3 Water-reactive substances	No exemption

### 5. Group V: Oxidising agents and organic peroxides

5.1 Oxidising agents	Total quantity may not exceed 200 Kg
5.2 Group I organic peroxides in packets	No exemption
5.3 Group II organic peroxides in packets	Total quantity may not exceed 200 Kg

### 6. Group VI: Toxic/infective substances

6.1 Group I toxic substances in packets	Total quantity may not exceed 5 Kg
6.2 Group II toxic substances in packets	Total quantity may not exceed 50 Kg
6.3 Group III toxic substances in packets	Total quantity may not exceed 500 Kg
6.4 Infective substances	No exemption

7. Group VII: Radioactive materials	No exemption
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### 8. Group VIII: Corrosive/caustic substances

8.1 Group I acids in packets	Total quantity may not exceed 50 Kg
8.2 Group II acids in packets	Total quantity may not exceed 200 Kg
8.3 Group III acids in packets	Total quantity may not exceed 1 000 Kg
8.4 Group I alkaline substances in packets	Total quantity may not exceed 50 Kg
8.5 Group II alkaline substances in packets	Total quantity may not exceed 200Kg
8.6 Group III alkaline substances in packets	Total quantity may not exceed 1000Kg

### 9. Group IX: Miscellaneous substances

9.1 Liquids	Total quantity may not exceed 210 Litre
9.2 Solids	Total quantity may not exceed 210 Kg

(b) Multiple-load hazardous substances	No exceptions.
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## PART F

### STOREROOMS FOR HAZARDOUS SUBSTANCES

#### REQUIREMENTS FOR STOREROOMS

##### Capacity

46. (1) The certificate of registration issued for any storeroom for hazardous substances as contemplated in Section 47 of these by-laws must indicate the group and the largest quantity of hazardous substances which may be kept in the storeroom.

#### **Danger notices in storeroom**

- (2) No person may use any storeroom or permit any storeroom to be used for Group III hazardous substances, unless -

(a) Symbolic safety signs prohibiting open flames and smoking, at least 290 mm x 290 mm in extent, manufactured in accordance with the provisions of SANS 1186, are affixed in the storeroom; and

(b) the relevant groups of hazardous substances and the corresponding quantities of the substances which may be stored in the storeroom are indicated in 75mm high red letters against a white background on the outside of the door(s) to the storeroom.

#### **Display of certificate of registration**

- (3) The certificate of registration for a storeroom, with the contents of the certificate clearly visible, must be kept and maintained in a legible condition in a weatherproof container on the outside of a door normally used as the entrance to the storeroom.

#### **Construction of storerooms**

##### **(excluding storerooms in recognised bulk depots and bulk installations)**

- (4) The construction of any storeroom must be in accordance with the following requirements:

(a) (i) The walls must be of brick or concrete.

(ii) The floor must be of concrete.

(iii) The roof must be of reinforced concrete of which the composition must offer fire resistance of at least 120 minutes.

(c) Notwithstanding the provisions of Sub-section (4)(a)(iii), the roof of a storeroom may be manufactured from any other non-combustible material if –

(i) The storeroom adjoins a higher wall that has no opening at any place within 10 m above the storeroom and has no openings within 5 m of an side thereof; and

(ii) The storeroom is not situated within 5 m of any adjacent building and/or boundary of any premises.

#### **Doors**

- (5) Any storeroom must be equipped with Class B-type fire doors manufactured and installed in accordance with SANS 1253:

Provided that -

- (a) The said doors must open to the outside and have a lock or locks as are approved by the Chief Fire Officer;
- (b) Whenever the distance to be covered from any storeroom is 4 m or more, the storeroom must have at least two Class B-type fire doors, which doors must be installed as far from each other as is practicable; and
- (c) Any door providing access to a storeroom must at all times be capable of being opened easily from the inside without the use of a key.

#### **Windows**

- (6) All window frames must be manufactured of steel and must –
  - (a) Be fitted with wire glass with a minimum thickness of 8mm; and
  - (b) Have window panels with a maximum size of 450 mm x 450 mm: Provided that no window must be capable of being opened.

#### **Catch pit**

- (7) Any storeroom must be designed and constructed so that the floor of the storeroom is recessed below the level of the door sill to form a catch pit: Provided that –
  - (a) The catch pit formed by such recessed floor or sill must have a capacity capable of accommodating the total quantity of hazardous substances able to be stored in the storeroom, plus 10%;
  - (b) the catch pit must be covered at door sill level with a strong, stable, non-combustible and oxidation-free grill, which grill must serve as a floor on which corrosion-free shelves and/or the contents of the storeroom must be placed;
  - (c) An access hatch for cleaning purposes must be placed in a suitable position on the grill floor; and
  - (d) The catch pit must, at its lowest level, have a non-corrosive drainage valve for cleaning purposes and for product recovery.

#### **Ventilation**

- (8) Any storeroom must be so designed and constructed to ensure that the collection of fumes of hazardous substances is effectively ventilated, whether naturally or mechanically, in all parts of the storeroom. The fumes must be released into the open air at a place or places where the fumes are not likely to come into contact with any source of ignition which may ignite such fumes.

#### **Natural ventilation**

- (9) The owner or person in charge of any storeroom must effectively ventilate the storeroom at a minimum cycle of 30 total air changes per hour by installing non-combustible airbricks, at least 140 mm x 215 mm in extent, with non-corrosive gauze wire of which the nominal opening diameter must be at least 0,5 mm: Provided that the airbricks are –

- (a) Provided in at least three external walls; and
- (b) Positioned 100 mm above the level of the sill and 100 mm below the roof and not more than 450 mm apart.

### **Mechanical ventilation**

- (10) Whenever natural ventilation as contemplated in Sub-section (9) cannot be effected and the depth of the sill level exceeds 300mm, the owner or the person in charge of a storeroom must equip the storeroom with a mechanical inlet and outlet ventilation system designed and installed for this purpose: Provided that -
  - (a) The capacity of the system must be able to change the cubic air content in the storeroom at least 30 times an hour;
  - (b) The vanes of the system must be manufactured from a static-free material;
  - (c) The fumes must be released into the open air and the outlets must not be within 5 m of any opening of a building or erf boundary;
  - (d) All ventilators must be attached firmly to the inside of the walls;
  - (e) The bottom ventilators must be affixed as close as possible to the level of the sill; and
  - (f) All ventilation openings and/or air duct openings must be installed in the opposite wall, 100 mm above the level of the sill to ensure cross-ventilation in conjunction with the said mechanical ventilator.

### **Electrical equipment**

- (11) The owner or person in charge of a storeroom must ensure that -
  - (a) all electrical apparatus, fittings and switchgear used or installed in any storeroom are protected and installed in accordance with the equipment of the appropriate class and division type for the particular area in terms of the provisions of SANS 10108;
  - (b) all switchgear, distribution boxes, fuses and any other electrical equipment not in compliance with the provisions contained in SANS 0108 must be situated outside the storeroom and positioned so as not to come into contact or possibly come into contact with fumes escaping from the storeroom;
  - (c) All metal parts and electrical fittings and any device in or in connection with a storeroom are earthed effectively with each other and the ground;
  - (d) Switches actuating any mechanical ventilation system are situated outside the storeroom;

(e) any mechanical ventilation system is on at all times, except whenever the system is switched off for repairs and/or replacement purposes: Provided that if the mechanical ventilation system breaks down, the system must be repaired without delay, and if the system breaks down irreparably, the system must be replaced without delay; and

(f) Whenever any storeroom is not staffed, all electrical apparatus and fittings, with the exception of the mechanical ventilation system, are switched off.

#### **Electrical installations installed by qualified electricians**

- (12) All electrical installations must be installed and certified by a suitably qualified electrician: Provided that the certificate must be submitted to the Service for record purposes immediately after installation.

#### **Storerooms constructed from other, non-combustible materials**

- (13) Notwithstanding the provisions of this Section, a storeroom may be constructed from other, non-combustible materials: Provided that -
- (a) the storeroom is not constructed within 30 m of any other building and/or the boundary of premises;
  - (b) the storeroom is surrounded with liquid-proof retaining walls or embankments that are capable of accommodating the quantity of hazardous substances able to be stored in the storeroom, plus 10%; and
  - (c) the floor of or space within these retaining walls or embankments is also liquid-proof to prevent ecological contamination.

#### **Unauthorised access**

- (14) No person may enter, have any other person enter or permit any other person to enter any storeroom without the express permission of the occupier or any other responsible person who is in charge of such storeroom.

#### **Abuse of a storeroom**

- (15) No person may -
- (a) Use any storeroom, or have the storeroom used or permit the storeroom to be used for any purpose other than for the storage, use or handling of hazardous substances in the storeroom;
  - (b) Employ any other person in any storeroom or permit the person to work in the storeroom unless all the doors of the storeroom are wide open and/or the mechanical ventilation system is on; and
  - (c) Place any obstruction or hindrance, or have any hindrance or obstruction placed or permit any hindrance or obstruction to be placed in the passages or in front of any door(s) of any storeroom.



- (16) Any person who uses a storeroom or permits a storeroom to be used and does not comply with the provisions of this Section is guilty of an offence.

### **KEEPING AND HANDLING HAZARDOUS SUBSTANCES IN A STOREROOM**

47. (1) Any storeroom referred to in Section 46 of these by-laws may be used for keeping any grouped hazardous substance, with the exception of Group I hazardous substances (explosives), as defined in Section 2(1) of the Hazardous Substances Act, 1973:

Provided that all chemically reactive hazardous substances must be separated from each other by means of compartmental liquid proof fire partition walls to the satisfaction of the Service, which fire partition walls must extend from the bottom of the catch pit to 1 m above the highest stack of each group inside the storeroom.

- (2) Notwithstanding the provisions of Section 46 of these by-laws, any grouped hazardous substance contemplated in this Section, with the exception of Group I hazardous substances (explosives), may also be stored, handled and used inside any structure contemplated in SANS 0263 and kept in terms of SANS 0263:

Provided that any storeroom will be subject *mutatis mutandis* to the provisions of Sections 22, 23 and 24 of these by-laws, as the case may be.

- (3) Any person who fails to comply with the provisions of this Section is guilty of an offence.

## **PART G**

### **SPRAY-PAINTING MATTERS AND SPRAYING PERMITS**

#### **REGISTRATION OF SPRAY-PAINTING ROOMS**

48. (1) No person may spray, coat, plate or epoxy-coat any vehicle, or parts of a vehicle, or any other articles, objects or buildings, or parts thereof, or permit them to be sprayed, coated, plated or epoxy-coated, whether indoors or outdoors, with a Group III hazardous substance or with liquid compounds of a Group III hazardous substance, or with any other hazardous substance, unless such person is in possession of a spraying permit in accordance with the requirements of Annexure II to these bylaws.

#### **Prohibition of certain actions**

- (2) No person may use or handle hazardous substances, or permit hazardous substances to be used or handled, on unregistered premises, unless a member is satisfied that the hazardous substances will be used or handled in a place and in a manner that will ensure that -
- (a) no hazardous substance or fumes come or are able to come into contact with any fire, flame or naked light, or any other source of ignition which is likely to set the hazardous substance or fumes alight; and

(b) the escape of human beings or animals is not hampered or hindered in the event of a fire or an emergency situation.

### **Display and conditions of spraying permit**

(3) A spraying permit is issued on the following conditions:

(a) The spraying permit must at all times be displayed prominently in a weather-proof container on the premises in a place designated by a member.

(b) The spraying permit must be legible at all times.

(c) The number of spraying rooms and/or spraying booths must be indicated on the spraying permit.

(d) A serial number must be indicated on the spraying permit.

(e) The spraying permit must reflect the period of validity and the date of expiry:

Provided that the period of validity will, notwithstanding the date of issue of the permit, expire on 31 December of each year.

(f) The spraying permit is not transferable from premises to premises.

(g) In the case of reconstructing, the spraying permit is, subject to the provisions of Section 22 of these by-laws, transferable from control to control or from owner to owner on the same premises: Provided that -

(i) Application must be made for transfer to the Service on the prescribed form; and

(ii) if the trade name of the premises changes, the holder of the spraying permit must ensure that the change is immediately brought to the attention of the Service.

(h) The Chief Fire Officer must be in possession of a set of approved plans as referred to in Section 23 of these bylaws.

(i) The spraying permit will not be issued or renewed unless the prescribed application form has been completed in full and has been submitted to the Chief Fire Officer.

(j) (i) Any person who is legally in possession of a spraying permit must apply to the Chief Fire Officer in writing on the prescribed form if that person wishes to amend the number of spraying rooms and/or spraying booths, according to need.

(ii) The fees prescribed in Annexure I to these by-laws must accompany an application. The Chief Fire Officer will grant the spraying permit only if the proposed amendments comply with the relevant provisions of these by-laws.

(iii) Whenever the Chief Fire Officer approves such an application, the person concerned must hand the spraying permit to the Chief Fire Officer to be amended.

- (4) The Chief Fire Officer may send a reminder for the renewal of registration to the owner or occupier of registered premises. An owner or occupier who has not received a reminder is not indemnified from possible prosecution.
- (5) The holder of a spraying permit or certificate of registration must ensure that he/she is always in possession of a valid spraying permit and/or certificate of registration.
- (6) Any person who fails to comply with the provisions of this Section, or who alters a spraying permit or attempts to alter a spraying permit or permits a spraying permit to be altered is guilty of an offence.

### **CONSTRUCTION AND DESIGN OF SPRAY- PAINTING ROOMS**

49. (1) the construction of a spraying room and/or spraying booth must be in accordance with the following requirements:
- (a) The floor must be of concrete.
  - (b) The walls must be of brick and/or concrete.
  - (c) The roof must be of reinforced concrete.
  - (d) The doors must be Class B-type fire doors as contemplated in SANS 1253.
  - (e) The window frames must be of steel and have window panels that cannot be opened, which panels must be a maximum size of 450 mm x 450 mm and fitted with wire glass with a minimum thickness of 8 mm.
- (2) The provisions of Sub-section (1) are not applicable to the erection of a spraying room and/or spraying booth if, in terms of the design thereof, the room or booth complies with the following requirements:
- (a) The framework of the entire structure, including the door assemblies, must have a sturdy steel profile with a minimum wall thickness of 2,5 mm.
  - (b) The framework, including any doors, must be clad on both sides with sheet metal with a minimum thickness of 1,3mm.
  - (c) If the sheet metal is joined, the joins and/or joints of the sheet metal so joined, including any door assembly forming an integral part of the whole, must be fume-, flame- and liquid-proof.
  - (d) The floor must be of concrete or metal.
  - (e) The window frames must be of steel with window panels that cannot be opened, which panels must be a maximum size of 450 mm x 450 mm and fitted with wire glass with a minimum thickness of 8 mm.
  - (f) All materials used must have a fire integrity grading of at least 60 minutes.
- (3) The unit formed through the combination of components referred to in Sub-sections (1) and (2), including any services constituting an integral part of the unit or required in the unit, must be constructed, installed and finished so that all surfaces are smooth to prevent any furring which may hamper the ventilation, washing and cleaning processes.

- (4) A prefabricated unit is suitable only if such a unit is evaluated by the SANS or CSIR and is found to be suitable for the particular intended purpose.

#### **Location of and access to a spraying room**

- (5) (a) Notwithstanding the door(s) granting access for motor vehicles or other objects to be sprayed in any spraying room, a spraying room must have at least two hinged doors for the purposes of escaping, which doors must -
- (i) open to the outside;
  - (ii) Be at least 800 mm x 2 000 mm in extent;
  - (iii) be positioned in opposite sides, provided that, whenever there is any object in the spraying room for processing, the distance to be covered to any of the doors may not exceed 4 m; and
  - (iv) Be fitted with locking mechanisms that can be opened easily from the inside without the use of a key.
- (b) Any spraying room must be located so that it is at all times separated from other activities and/or areas by means of an escape opening of at least 1 200 mm wide, which escape opening must at all times be kept free of any obstruction, refuse or combustible materials.
- (c) If any activity and/or process which is operated adjacent to a spraying room may pose a probable fire danger to the spraying room, the said escape opening of 1 200 mm must be identified by fire partition walls with a fire resistance of at least 60 minutes, and the height of these walls must be at least 300 mm higher than the roof of the spraying room.
- (d) Any spraying room contemplated in Sub-section (2) may be erected indoors and outdoors against fire walls: Provided that not more than two sides of the spraying room may border the fire walls.

#### **Water floors**

- (6) (a) A spraying room may have a sunken water-filled floor covered at the level of the sill by a sturdy, stable, non-combustible and corrosion-free grill that is capable of bearing the weight of the heaviest object in the spraying room.
- (b) The water in the sunken floor must be circulated through an effective non-combustible and cleanable filtering system by means of a closed-circuit pump circulation system of noncorrosive metal pipes with a suitable diameter and wall thickness.

#### **Electrical equipment**

- (7) All electrical apparatus, lights, fittings and switchgear used or installed in any spraying room must be protected and installed in accordance with the provisions for equipment of the appropriate class and division type for the particular area in terms of SANS 0108.

- (8) All switchgear, distribution boxes, fuses and any other electrical equipment not in compliance with the provisions contained in SANS 0108 must be situated outside the spraying room and positioned so as not to come into contact or possibly come into contact with fumes escaping from the spraying room.
- (9) Switches actuating any mechanical ventilation system must be situated outside the spraying room.
- (10) All metal parts and electrical fittings and any device in or in connection with a spraying room must be earthed effectively with each other and the ground.
- (11) A suitably qualified electrician must install and certify all electrical installations:  
  
Provided that the certificate must be submitted to the Chief Fire Officer for record purposes immediately after installation.

### **Mechanical ventilation**

- (12) (a) Any spraying room must be equipped with a mechanical inlet and outlet ventilation system designed and installed for this purpose: Provided that -
  - (i) The capacity of the system must be able to change the cubic air content in the spraying room at least 30 times an hour;
  - (ii) The vanes of the system must be manufactured from static-free materials;
  - (iii) The fumes must be released into the open air and the outlets must not be within 5 m of any opening of a building or erf boundary;
  - (iv) All ventilators must be attached firmly to the inside of the walls;
  - (v) The bottom ventilators must be affixed as close as possible to the level of the sill; and
  - (vi) All ventilation openings and/or air duct openings must be installed in the opposite wall, door(s) or roof to ensure cross-ventilation in conjunction with the said mechanical ventilation system.

### **Fire dampers, fire detectors and fire alarms**

(b) A fire damper must be affixed in front of any air purification filter, or any part of a filter forming an integral part of the ventilation system, on the inside of the spraying room, which fire damper must be manufactured and installed in accordance with the provisions of SANS 193: Provided that the fire damper must -

- (i) Close automatically by means of a sensor that is suitably located and actuated by a rise of more than 10 °C in the predetermined working temperature;
- (ii) Be so installed that the damper will remain in position even if the air duct distorts during a fire; and
- (iii) be provided with an overriding fusible link.

(c) The sensor contemplated in Sub-section (12)(b)(i) must also -

(i) be capable of turning off the ventilation system and any heating device used in connection with the spraying room in the event of a fire or whenever there is a rise of more than 10 °C in the predetermined working temperature inside the spraying room; and

(ii) Activate a visual and audible alarm inside and outside the spraying room.

#### **Positioning of ventilation outlets**

- (13) All outlet openings must be designed and positioned so as to release all fumes into the open air at a place at least 1 m above a roof or 4 m above the ground level and at least 5 m from any opening of a building.
- (14) The ventilation system must function whenever any activities related to spray-painting take place in the spraying room.

#### **Display of signs prohibiting open flames and smoking**

- (15) No person may use any spraying room or permit any spraying room to be used, unless and until symbolic signs prohibiting open flames and smoking, at least 290 mm x 290 mm in extent, manufactured and installed in accordance with the provisions of SANS 1186, are affixed to the inside and outside of all doors of the spraying room.

#### **Maintenance of spraying rooms**

- (16) All spraying rooms must be maintained at all times in accordance with the provisions of this Section.

#### **Unauthorised access**

- (17) No person may enter a spraying room or permit any other person to enter a spraying room without the express permission of the owner and/or occupier or any other responsible person in charge of the spraying room.

#### **Abuse of spraying room**

- (18) No person may -
- (a) use any spraying room or permit any spraying room to be used for any purpose other than for practising or exercising activities related to spray-painting in the spraying room;
  - (b) Employ any other person in a spraying room or permit any other person to work in the spraying room unless the mechanical ventilation system is on; and
  - (c) Place any obstruction or hindrance, or have any hindrance or obstruction placed or permit any hindrance or obstruction to be placed in the escape openings or in front of any doors of the spraying room.

#### **Provision of fire-fighting equipment**

- (19) (a) Any spraying room must have a 9kg dry chemical fire extinguisher on the inside, as well as a 9kg dry chemical fire extinguisher and a 9kg carbon dioxide-type fire extinguisher on the outside, which extinguishers must be installed in positions determined by the Chief Fire Officer.
- (b) All spraying rooms must be protected by a fire hose reel referred to in Section 32(1) (b) of these by-laws.

#### **Drying kiln / heating devices**

- (20) Whenever any manifold installation of a Group II hazardous substance forms an integral part of the heating of a spraying room, the manifold installation must be in accordance with the provisions of SANS 10087-1, and the relevant provisions of these by-laws will apply *mutatis mutandis* in the application of this Section.
- (21) Any person who fails to comply with the provisions of this Section is guilty of an offence.

### **PART H**

#### **ANIMALS**

##### **HANDLING ANIMALS DURING EMERGENCIES**

50. (1) Provision must be made for the professional handling of animals during an emergency on any premises, but particularly at zoological gardens, feedlots, stables, research institutions, veterinary practices and/or places of veterinary science study:

Provided that the Service may -

- (a) Authorise a suitably qualified person to handle and/or put down the animals during an emergency situation, as the case may be; and
- (b) Recover all costs involved in the matter from the owner or the institution responsible for the care of the animals.
- (2) Any person who fails to comply with the provisions of this Section is guilty of an offence.

### **PART I**

#### **PENALTIES**

##### **PENALTIES FOR CONTRAVENTIONS**

51. (1). Any person who contravenes or fails to comply with any provision of these by-laws, including any condition or requirement for a certificate of registration or spraying permit, or any instruction by a member of the Service, is guilty of an offence and on conviction is liable to a fine as contemplated in the Fine Schedule, and in default of payment, liable to imprisonment for a period not exceeding six months.



- (2). Any person who tempered with or allows others to temper with fire fighting equipment is guilty of an offence and on conviction liable to a fine as contemplated in the Fine Schedule, and in default of payment, liable to imprisonment for a period not exceeding six months.

## **PART J**

### **GENERAL**

#### **OPERATION OF THESE BY-LAWS IN RELATION TO OTHER LAWS**

52. The provisions of these by-laws are in addition to and not a substitution for any other law which is not in conflict or inconsistent with these bylaws.

#### **REPEAL OF BY-LAWS**

53. The following by-laws are hereby repealed:
- (a) Any By-Laws which was previously applicable and related to by-laws on fire brigade services are hereby repealed.

#### **SHORT TITLE**

54. These by-laws are called the Rustenburg Local Municipality Fire Brigade Services By-laws and their provisions come into operation on a date fixed by proclamation in the Government Gazette.

# **ANNEXURE I**

## **OFFICIAL DOCUMENTS**

### **A. GENERAL**

1. The Service must design and draw up all official documents in connection with these by-laws in accordance with the prevailing policy, and the documents must comply with the specific needs and requirements of the Service and the controlling authority, but must not detract from the directives and provisions of these by-laws.
2. All official documents must at all times be completed in triplicate; the original copy is for the client and the remaining two copies for the Service for administration purposes.

### **B. STANDARD ADMINISTRATIVE INFORMATION IN DOCUMENTS**

The following must be indicated in all documents:

1. The logo of the Service and/or controlling authority
2. The full name of the premises in question
3. The name of the suburb in question
4. The street address of the premises in question, in full
5. The postal address of the premises in question, in full, including the postcode (on all application forms)
6. Full particulars of the occupier of the premises or the firm on the premises
7. The telephone and fax numbers of the business in question (on all application forms)
8. The signature of the issuing officer
9. The date on which the document was issued
10. The expiry date of the document
11. The type of document, such as:
  - (1) "Application for a bulk depot certificate of registration" or "Bulk depot certificate of registration"
  - (2) "Application for a certificate of fitness" or "Certificate of fitness"
  - (3) "Application for a certificate of registration/spraying permit" or "Certificate of registration/Spraying permits"
  - (4) "Application for a transport permits"
  - (5) "Application for approval of plans" or "Application for inspection for the issuing of a certificate of occupancy"
12. Any other relevant information, such as:

- (1) The groups and subgroups of hazardous substances for which registration is required
  - (2) The required quantity of each group of hazardous substance
  - (3) The manner in which the substances are to be stored, for example -
    - (a) in an underground storage tank;
    - (b) in an above-ground storage tank;
    - (c) in a hazardous substance store; or
    - (d) in a manifold installation
  - (4) An indication of all spray-painting rooms and submersion tanks, as the case may be
13. A watermark (on all permits and certificates)
  14. A serial number (on all permits and certificates)
  15. A receipt number (on all permits and certificates)
  16. The official stamp of the Service.

## **C. OFFICIAL DOCUMENTS IN CONNECTION WITH THESE BY-LAWS**

### **1. APPLICATION FORMS**

- (1) The purpose for which application forms are to be used must appear at the top of all application forms.
- (2) (a) All application forms must have all the administrative information as contained in paragraph **B (STANDARD ADMINISTRATIVE INFORMATION IN DOCUMENTS)**.  
  
(b) On all application forms, space must be left in which the correct application fee, as contained in Annexure I to these by-laws, can be indicated prominently in red figures.  
  
(c) A warning must appear below the space for the application fee to the effect that the applicant is granted only 14 working days (weekends and public holidays excluded) to make any corrections that may be indicated on the checklist, without any additional cost, but that if the said period of 14 days is exceeded, the prescribed fee must be paid again before any permit or certificate will be issued.
- (3) A suitable checklist must form part of each application form and must be drawn up chronologically in accordance with the appropriate requirements contained in these by-laws and/or relevant SANS codes of practice and/or specifications, as the case may be.
- (4) At the top of each checklist -
  - (a) It must be stated that the checklist is for office use only;
  - (b) Space must be set aside for the date, time and place of the appointment for an inspection; and
  - (c) Space must be set aside for particulars of the contact person who will represent the applicant during the inspection.
- (5) At the end of each checklist, space must be set aside for -

- (a) The signature of the member of the Service who completed the checklist;
  - (b) The date on which the checklist was completed; and
  - (c) An indication of whether or not the application is successful.
- (6) Provision must also be made on each application form for -
- (a) Full particulars of the registration officer who received the application fee;
  - (b) The method of payment, for example cash, postal order or cheque; and
  - (c) An official receipt number.

## 2. PERMITS AND CERTIFICATES

- (1) The purpose for which permits and certificates are to be used, as contemplated in paragraph **A.1 (DESCRIPTION OF SERVICE)** in Annexure I to these bylaws must appear at the top of all permits and certificates.
- (2) All permits and certificates must have all the applicable administrative information as contained in paragraph **B (STANDARD ADMINISTRATIVE INFORMATION IN DOCUMENTS)**.

## 3. TRANSPORT PERMIT

In addition to the contents in terms of the administrative provisions contained in paragraph **B (STANDARD ADMINISTRATIVE INFORMATION IN DOCUMENTS)**, a round disc with the following information must form part of the official documentation of the Service in the case of transport permits:

- (1) The registration number of the vehicle in question
- (2) The chassis number of the vehicle in question
- (3) The type of vehicle, for example a semi-trailer, trailer, flat-deck truck or tanker
- (4) The gross vehicle mass of the vehicle in question
- (5) The tare of the vehicle in question
- (6) The type of load to be transported, for example a single load or a multiple load, and the quantity to be transported in litres or kilograms, as the case may be
- (7) The group of hazardous substance(s) to be transported, for example Group I, II or III, or a combination of them, as the case may be
- (8) Where applicable, the make of the vehicle
- (9) The date of issue of the permit
- (10) The date of expiry of the permit
- (11) The signature of the issuing officer
- (12) A serial number
- (13) A watermark.

## **ANNEXURE II**

### **EMERGENCY EVACUATION PLANS**

#### **A. GENERAL**

1. Any emergency evacuation plan must contain at least the following information under the headings listed below. All emergency evacuation plans must be updated at least once a year or, alternatively, whenever the key staff member referred to in the plan leaves the employ of the employer.
2. All emergency evacuation plans must be drilled at least twice a year, and all the staff members must participate. The employer must also ensure that all the disciplines involved are notified in writing of an emergency evacuation plan drill at least 21 calendar days prior to the proposed date of the drill.
3. All staff members of an employer must be aware of the emergency evacuation plan of the employer. Whenever an emergency evacuation plan is updated, the designated person responsible must collect and destroy all old plans that the emergency management members have in their possession to eliminate confusion as to the validity and accuracy of the emergency evacuation plan.
4. Any emergency evacuation plan must be compiled in the dominant, official language(s) (which must be an official language of the Republic) of the employer.

#### **B. IMPLEMENTATION OF EMERGENCY EVACUATION PLANS**

1. The emergency evacuation plan must be drawn up so that any sensitive information that may appear in the document can easily be removed to make it available to specific persons in the emergency management team.

#### **2. DEALING WITH AND FURNISHING INFORMATION CONTAINED IN THE EMERGENCY EVACUATION PLAN**

##### **(1) THE EMERGENCY EVACUATION PLAN IN ITS ENTIRETY**

- (a) The entire emergency evacuation plan must be made available to every member of the emergency management team.
- (b) A number of copies must be kept in a safe in the control room.

##### **(2) EMERGENCY TELEPHONE NUMBERS AND BOMB THREAT QUESTIONNAIRE**

Emergency telephone numbers and the bomb threat questionnaire must be on hand at all telephones on the premises.

##### **(3) DUTIES AND RESPONSIBILITIES OF EMERGENCY PERSONNEL**

All staff members involved must be informed in writing of their particular duties and responsibilities in this regard.

#### **(4) ACTION PLANS AND EMERGENCY ACTIONS**

Action plans must be available to all staff members to ensure that every staff member knows exactly what to do in an emergency.

#### **(5) PLANS OF THE LAYOUT OF PREMISES AND ESCAPE ROUTES**

Plans of the layout of the premises and escape routes must be put up permanently at all exits and strategic points on the premises.

### **3. TRAINING OF STAFF MEMBERS**

Staff members must be trained in the following:

- (1) First aid and/or fire fighting
  - (2) Emergency aid
  - (3) Emergency evacuation procedures
  - (4) Emergency management techniques
- (Drills of the emergency evacuation plan are an excellent training programme and offer the opportunity for the improvement of the plan.)

### **C. THE CONTENT OF AN EMERGENCY EVACUATION PLAN**

Any emergency evacuation plan must contain the following:

- (1) Emergency telephone numbers
- (2) The following general information:
  - (a) The address of the premises in question
  - (b) The nature of the activities on the premises
  - (c) The number of staff members present on the premises at any time
  - (d) An indication of whether or not there is a control room on the premises
  - (e) An indication of whether or not there is an alarm system on the premises
  - (f) Particulars of contact persons
- (3) An area study with the following information:
  - (a) History of incidents on the premises in question
  - (b) Important features/landmarks with regard to the location of the premises
  - (c) Key information of adjacent premises
- (4) Particulars regarding socioeconomic or other threats and the potential impact of the set threats on premises
- (5) Particulars of the following equipment available on the premises:
  - (a) Equipment in the control room

- (b) Fire-fighting and first-aid equipment throughout the premises
  - (c) Any other equipment
- (6) The following information on manpower:
  - (a) Emergency management
  - (b) Continuity officers
  - (c) Fire teams
  - (d) First-aid teams
- (7) The duties and responsibilities of members of the emergency team
- (8) Action plans and emergency procedures
- (9) Plans of the buildings and topographical maps of the premises
- (10) An emergency plan register with the following information:
  - (a) Updated register of emergency evacuation plan
  - (b) Drill register of emergency evacuation plan
- (11) A bomb threat questionnaire



## **ANNEXURE III**

### **IDENTIFICATION OF DESIGNATED OFFICERS**

#### **1. REQUIREMENTS FOR THE CERTIFICATE OF APPOINTMENT**

The following particulars, as prescribed in Section 3 of Government Notice R159 of 2 February 1979, must appear on the certificate of appointment in at least two of the official languages of the Republic, where applicable:

- (1) The full name of the person appointed;
- (2) the person's identity number;
- (3) the person's signature;
- (4) the person's photograph;
- (5) a description of the capacity in which the person is appointed;
- (6) the name of the employer who made the appointment; and
- (7) the signature and official stamp of the employer or responsible person.

#### **2. POWERS OF DESIGNATED OFFICERS**

The powers of designated officers must appear on the reverse of the certificate of appointment or, alternatively, on a supplementary card of the same size, and this card must be attached to the certificate of appointment, with the following information, in at least two of the official languages of the Republic, where applicable:

#### **POWERS**

**The bearer of this certificate is a LAW ENFORCEMENT OFFICER in terms of Government Notice R159 of 2 February 1979, as amended, and has been appointed a DEPUTY MESSENGER OF THE COURT in terms of Section 15(2) of the Magistrates' Courts Act, 1944 (Act 32 of 1944).**

#### **3. APPOINTMENT AS INSPECTOR OF EXPLOSIVES**

- (1) All designated officers must also possess certificates of appointment, issued by the Chief Inspector of Explosives in terms of Section 2(5) of the Explosives Act, 1956, for the purposes of policing and enforcing the law with regard to the storage, sale and use of fireworks.
- (2) The layout details of the certificate of appointment must correspond *in toto* to the layout details set out in clauses 1 and 2 above, and the bearer must produce this certificate as identification together with the certificate of appointment referred to in clause 1.
- (3) The following information, in at least two of the official languages of the Republic, where applicable, must appear on the certificate:

**POWERS**

The bearer of this certificate is an **INSPECTOR OF EXPLOSIVES** in terms of **Section 2(5) of the Explosives Act, 1956 (Act 26 of 1956)**, with regard to the **STORAGE, SALE AND USE OF FIREWORKS.**

**ANNEXURE IV****NORMATIVE REFERENCE LIST****1. NORMATIVE REFERENCES****1.1 NATIONAL LEGISLATION**

Where reference is made in these by-laws to a National Act, the reference relates to the latest amended version of an Act bearing the number and title indicated in the following table –

<b>No</b>	<b>ACT No</b>	<b>Title of Act</b>
1.	63 of 1977	Health Act, 1977
2.	99 of 1987	Fire Brigade Services Act, 1987
3.	32 of 2000	Municipal Systems Act, 2000
4.	117 of 1998	Municipal Structures Act, 1998
5.	103 of 1977	National Building Regulations and Building Standards Act, 1977
6.	101 of 1998	National Veldt and Forest Fire Act, 1998
7.	10 of 1998	Rationalization of Local Governments Affairs Act, 1988
8.	15 of 1973	Hazardous Substances Act, 1973
9.	85 of 1993	Occupational Health and Safety Act, 1993
10.	93 of 1996	National Road Traffic Act, 1996
11.	68 of 1995	South African Police Service Act, 1995
12.	32 of 1944	Magistrates' Courts Act, 1944
13.	26 of 1956	Explosives Act, 1956
14.	74 of 1977	Road Transportation Act, 1977
15.	43 of 1996	National Archives of South Africa Act, 1996

**1.2 SOUTH AFRICAN NATIONAL STANDARDS AS WELL AS SANS CODES OF PRACTICES AND SPECIFICATIONS**

Where reference is made in these by-laws to an SANS or SANS number, the reference relates to the latest amended version of a document bearing the number and title indicated in the following table –

<b>No of Standard</b>	<b>Title of Standard / Code of Practice / Specification</b>
1.	SANS 193 Fire Dampers
2.	SANS 314 ELECTRICAL WIRING
3.	SANS 541 Fire Hose Reels (with hose)
4.	SANS 1186 Symbolic Safety Signage
5.	SANS 1128-1 Fire Fighting Equipment Part 1: Components of underground and above-ground hydrant systems
6.	SANS 1128-2 Fire Fighting Equipment Part 1: Hose couplings, connectors and branch pipe and nozzle connections
7.	SANS 1253 Fire Door Assemblies
8.	SANS 1398 Road Tank Vehicles for Petroleum-Based Flammable Liquid

9.	SANS 1475-1 The Production of Reconditioned Fire-Fighting Equipment Part 1: Portable Rechargeable Fire Extinguishers
10.	SANS 1475-2 The Production of Reconditioned Fire-Fighting Equipment Part 2: Fire Hose Reels
11.	SANS 1535 Glass-Reinforced polyester-coated steel tanks for the underground storage of hydrocarbons and oxygenated solvents and intended for burial horizontally
12.	SANS 1567 Portable Rechargeable Fire Extinguishers – Carbon Dioxide type
13.	SANS 1910 Portable Rechargeable Fire Extinguishers – Dry Chemical Powder, Water and Foam type
14.	SANS 10087-1 The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 1 : Liquid Petroleum Gas Installations involving gas storage containers of individual water capacity not exceeding 500Litre and a combined water capacity not exceeding 3 000 Litre per installation
15.	SANS 10087-2 the handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 2: Installations in mobile units and small non-permanent buildings
16.	SANS 10087-3 The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 3 : Liquefied petroleum gas installations involving storage vessels of individual water capacity exceeding 500 Litre
17.	SANS 10087-4 The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 4 : Transportation of LPG in bulk by road
18.	SANS 10087-6 The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 6 : The application of liquefied petroleum gas as an engine fuel for internal combustion engines
19.	SANS 10087-7 The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 7 : Storage and filling sites for refillable liquefied petroleum gas (LPG) containers of capacity not exceeding 9 Kg
20.	SANS 10087-8 The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 8 : The fuelling of fork lift trucks and other gas operated vehicles
21.	SANS 10089-1 the petroleum industry Part 1: Storage and distribution of petroleum products in above-ground bulk installations
22.	SANS 10089-2 the petroleum industry Part 2: Electrical code
23.	SANS 10089-3 The petroleum industry Part 3 : The installation of underground storage tanks, pumps / dispensers and pipe work at service stations and consumer installations
24.	SANS 086-1 the installation, inspection and maintenance of equipment used in explosive atmospheres Part 1: Installations other than in mines
25.	SANS 10105-1 the classification, use and control of fire-fighting equipment Part 1: Portable fire extinguishers
26.	SANS 10105-2 the classification, use and control of fire-fighting equipment Part 2: Fire hose reels
27.	SANS 10108 the classification of hazardous locations and the selection of apparatus for use in such locations
28.	SANS 10189 the operation, handling and maintenance of road tank vehicles for flammable liquid
29.	SANS 10019 Portable metal containers for compressed gases: Basic design criteria, use and maintenance
30.	SANS 10090 Community Protections Against Fire
31.	SANS 10131 the Storage and Handling of Liquid Fuel

32.	SANS 10400 the Application of the National Building Regulations
33.	SANS 1850 the Design and Manufacture of Commercial Kitchen Extraction Systems
34.	SANS 0228 the Identification and Classification of Dangerous Substances and Goods
35.	SANS 0229 Packaging of Dangerous Goods for Road Traffic and Rail Transportation in South Africa
36.	SANS 0230 Transportation of Dangerous Goods – Inspection Requirements for Road Vehicles
37.	SANS 0231 Transportation Of Dangerous Goods – Operational Requirements for Road Vehicles
38.	SANS 0232-1 Transportation of Dangerous Goods – Emergency Information Systems – Part1: Emergency Information System for Road Transportation
39.	SANS 0232-2 Transportation of Dangerous Goods – Emergency Information Systems – Part2: Emergency Information System for Rail Transportation
40.	SANS 0232-3 Transportation of Dangerous Goods – Emergency Information Systems – Part3: Emergency Action Codes
41.	SANS 0233 Intermediate bulk containers for dangerous substances
42.	SANS 0252-1 Water supply and drainage for buildings Part 1 : water supply installations for buildings
43.	SANS 0263 The Warehousing of Dangerous Goods – Enclosed storage areas and covered and uncovered outdoor storage yards
44.	SANS 0287 Automatic sprinkler installations for fire fighting purposes

## PROVINCIAL NOTICE 104 OF 2019

**RUSTENBURG LOCAL MUNICIPALITY****DRAFT BY-LAW: PROBLEM BUILDINGS AND VACANT STANDS**

To provide for the identification, control and management of dilapidated and problem buildings and problematic vacant stands in the Rustenburg Local Municipality and to provide for matters incidental thereto.

**PREAMBLE**

**WHEREAS** section 156(2) and (5) of the Constitution provides that a municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions;

**AND WHEREAS** Part B of Schedule 4 to the Constitution lists building regulations as a local government matter to the extent set out in section 155(6) (a) and (7);

**AND WHEREAS** the Rustenburg Local Municipality seeks to identify, control and manage dilapidated and problem buildings and vacant stands within its area of jurisdiction to ensure that such buildings comply with this By-law by—

- Formulating a coordinated integrated strategy plan, processes and procedures;
- Turning problem buildings around by rejuvenating and regenerating the buildings rather than demolishing them;
- Redeveloping the property where problem buildings or vacant stands can't be rejuvenated or regenerated after consultation with the owners;
- Facilitating the disposal of problem buildings and vacant stands for the purpose of achieving the objectives of this By-law.

**AND NOW THEREFORE, BE IT ENACTED** by the Council of the Rustenburg Local Municipality, as follows:

## 1. Definitions

In this By-law, unless the context otherwise indicates—

“**authorised official**” means an employee of the Rustenburg Local Municipality authorised by the Municipal Manager to implement and enforce the provisions of this By-law;

“**building**” includes—

(a) any structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with the—

- (i) Accommodation or convenience of human beings or animals;
- (ii) Manufacture, processing, storage, display or sale of any goods;
- (iii) Rendering of any service;
- (iv) Destruction or treatment of refuse or other waste materials;
- (v) Cultivation or growing of any plant or crop;

(b) Any wall or part of a building;

(c) A unit or common property as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986); or

(d) Any vacant or unoccupied erf;

“**Municipality**” means the Rustenburg Local Municipality established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) through the relevant Provincial Notice;

“**owner**” means the person in whose name the land on which such building is registered in the deeds office:

- a) In the case of a trust, the trustee of that trust;
- b) The registered owner of a sectional title unit, where the interior of the sectional title is issued
- c) The trustees of a body corporate, where the common property of a sectional title scheme is at issue;
- d) The administrator of the body corporate of the sectional title scheme where the common property of a sectional title scheme is at issue and there are no elected trustees of the body corporate;
- e) The executor, where the-
  - i. Owner of the building or vacant stand is the deceased and the building has not yet been transferred out of the deceased’s estate; or
  - ii. Estate of the owner has been sequestrated;
- f) the curator, where the owner of the building or vacant stand has been declared by any court to be incapable of managing his or her own affairs or prodigal;
- g) the administrator, where the owner of the building or vacant stand is a mental health care user as defined in section 1 of the Mental Health Act 2002 (Act No.17 of 2002)
- h) the liquidator, where the owner of the building or vacant stand is judicial person or trust and has been liquidated;
- i) the former members of a close corporation which has been deregistered and in respect of which they have continuing liability as contemplated in section 26 of the Close Corporation Act, 1984 (Act No.69 of 1984), read with sections 83(2) and (3) of the Companies Act, 2008 (Act No.71 of 2008)

- j) the business rescue practitioner, where the owner of the building has been placed under business rescue;
- k) the managing agent, where the owner of the building is absent from the Republic of South Africa of where the Municipality has, after reasonable attempts, not been able to determine his or her whereabouts; or
- l) every person who is entitled to occupy or use a building or vacant stand where-
  - i. the owner of the building or vacant stand is absent from the Republic of South Africa
  - ii. the Municipality has, after reasonable attempts, not been able to determine the whereabouts of the owner of the building; and
  - iii. there is no managing agent;

**“problem building” means** a building or portion of a building which-

- a) is derelict in a appearance or is showing signs of becoming unhealthy, unsanitary, unsightly, or objectionable
- b) has been abandoned by the owner, or appears to have been abandoned by the owner, regardless of whether rates or services charges are being paid;
- c) is overcrowded
- d) has been Hijacked;
- e) has been the subject of one or more written complaints, charges or convictions regarding criminal activities being conducted in the building, as confirmed in writing by a member of the South African Police Services or Officials of the Municipal Public Safety
- f) Illegally Occupied;
- g) Has refused or waste material unlawfully accumulated, dumped, stored or deposited;
- h) Has been unlawfully erected or has a part which has been unlawfully erected;
- i) Has been changed and its subsequent usage is unauthorized;
- j) Is partially completed, or structurally unsound or showing sign thereof, and is or may be a threat or danger to life and property; or
- k) Is in contravention of one or more of the Municipal by-laws.

**“vacant stands”** for the purpose of this bylaw shall also mean erf - any land, whether vacant, occupied or buildings thereon

## **2. APPLICATION OF THIS BY-LAW**

**2.1** This By-law applies to all problem buildings and vacant stands situated within the area of jurisdiction of Rustenburg Local Municipality, except those situated in areas exempted from the application of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977 as well as the National Heritage Resources Act, Act No. 25 of 1999, as well as those matters for which permission must be sought as provided for in the National Heritage Act, Act 2 of 1999.

## **3. OBJECTS OF BY-LAW**

**3.1** The objects of this by-law are to-

- a) Provide a mechanism for the co-ordination identification and control of problem building including vacant stands



**CONTINUES ON PAGE 130 - PART 2**



# **NORTH WEST NOORDWES**

## **PROVINCIAL GAZETTE PROVINSIALE KOERANT**

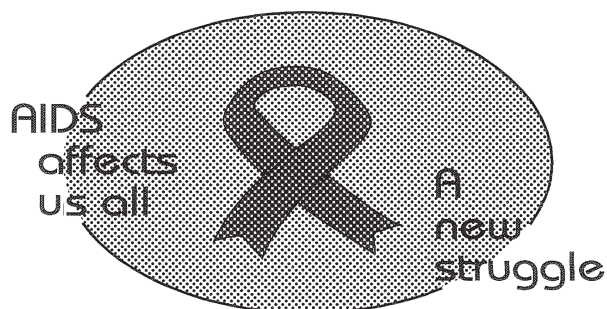
Vol. 262

**MAHIKENG**  
11 JUNE 2019  
11 JUNIE 2019

No. 8016

### **PART 2 OF 2**

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



**Prevention is the cure**

**AIDS  
HELPLINE**

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DEPARTMENT OF HEALTH

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- b) Set minimum standards for consultations with owners and people who occupy or reside in the problem building; and
- c) Ensure the health and safety of the people occupying problem building and vacant stands.
- d) to facilitate the protection and management of conservation-worthy places and areas by the municipality as provided for in

#### **4. APPOINTMENT OF AUTHORISED OFFICIALS**

4.1 The Municipal Manager shall appoint authorised officials to implement and enforce the provisions of this By-law.

4.2 An authorized Official may enter any building or vacant stand at any reasonable time with a view to-

- a) Determine whether the building should be declared a problem building in terms of this By-law in the exercise of his or her power or duties in terms of this by-law
- b) Serve any notice required in terms of terms by-law
- c) Determined whether the owner has complied with any compliance notice issued in terms of this by-law;
- d) Enforce any provision of this by-law

#### **5. POWERS OF AUTHORISED OFFICIALS**

5.1 An authorized official may, when entering a building or vacant stand:

- (a) Inspect, monitor and investigate the building or vacant stand
- (b) Question the owner, the agent or any occupier of the building or vacant stand
- (c) Take photos of the building or vacant stand whether of the outside of the building or any internal aspect of the building any residence or vacant stand.
- (d) Do anything to implement the provisions of this by-law.

#### **6. ENTRY BY AUTHORISED OFFICIALS OF BUILDINGS OR VACANT STAND**

6.1 Any authorised official may enter any building or vacant stand at any reasonable time with a view to—

- (a) inspect or determine whether the building complies with any provision of this By-law subject to 7 days' notice of such intended inspection having been given to the owner; or
- (b) serve the owner of the building or vacant stand with the compliance notice as referred to in section 8.

6.2 No person shall hinder or obstruct the authorised official in the exercise of his or her powers in terms of the By-law.

6.3 An authorised official shall, when entering the building or vacant stand, produce a valid identification document issued to him or her by the City to the owner of such building or vacant stand and, if applicable, the agent, as well as to any occupier who asks to see the identification document.

## 7. IDENTIFICATION AND DECLARATION OF A PROBLEM BUILDING AND VACANT STANDS

7.1 In the event that the Municipality is of the opinion that a building or vacant stand should be declared as problematic, it must serve a written notice to the owner or must display a notice on the building or on a vacant stand.

7.2 The authorised official may, subject to subsections 7.1 to 7.9, if a building or stand falls within the definition of “problem building” as defined in section 1, declare such building or vacant stand a problem building or problematic vacant stand.

7.3 The authorised official shall, by notice in writing, before declaring such building or vacant stand a problem building or stand, inform the owner of his or her intention to declare such building or vacant stand a problem building or problematic vacant stand, giving the reasons for such declaration.

7.4 The authorised official may carry out an investigation in respect of a building or vacant stand which he or she intends to declare a problem building or problematic vacant stand as contemplated in subsection (2), provided that he or she must display a notice of such investigation on the building or on the vacant stand concerned.

7.4 The authorised official shall give the owner a period of seven (7) days to make representations on why the building or vacant stand should not be declared a problem building or problematic vacant stand.

7.6 The authorised official shall, after considering the representations referred to in subsection (4), take a decision either to declare or not to declare a building or vacant stand a problem building or a problematic stand.

7.7 In the event the municipality decided to declare a building or a vacant stand to be a problematic building or vacant stand, the municipality must give a written notice to the owner together with reasons.

7.8 The owner shall, in respect of a declaration in terms of subsection (6), have a right of appeal in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

7.9 Any property which is regarded as a natural heritage resource, shall be dealt with in terms of relevant provisions of the National Heritage Act, Act 2 of 1999.

## 8. COMPLIANCE NOTICE

8.1 The authorised official shall serve a written notice on the owner of any building or vacant stand which has been declared a problem building as referred to in section 6, requiring such owner within a **specified period of thirty (30) days** to—

- (a) repair, renovate, repaint, alter, close, demolish, secure, or remove all refuse from, such problem building or vacant stand;
- (b) complete the construction of a problem building or any structure of such building;
- (c) enclose, fence or barricade such problem building or vacant stand to the satisfaction of the City;
- (d) appoint and instruct, at the cost of such owner, an approved competent person referred to in Part A 19 of the National Building Regulations, to examine a condition that gave rise to the declaration of a building a problem building and to report to the authorised official on the nature and extent of the steps to be taken, which in the opinion of such approved competent person needs to be taken in order to render such problem building safe;

- (e) dispose of, destroy or remove any material or article accumulated, dumped, stored or deposited in any building or vacant stand, which is refuse or waste and which is showing signs of becoming unsightly, insanitary, unhealthy or objectionable or is likely to constitute an obstruction; or
- (f) comply with any provision of this By-law.

8.2 The municipality may, if such owner fails to comply with a notice served on him or her in terms of subsection (1), repair, renovate, repaint, alter, close, demolish, remove all refuse or secure any problem building or vacant stand at the cost of the owner and where appropriate expropriate such a problem building or vacant stand for use by council in the interest of the community.

8.3 The municipality may, if the owner fails to pay such cost, recover the cost in terms of the Credit Control and Debt Collection By-law,

8.4 Despite subsection (1), section 6 and subject to any applicable legislation, if the authorised official has reason to believe that the condition of any building is such that steps should forthwith be taken to protect life or property, he or she may take such steps as may be necessary in the circumstances without serving or delivering such notice on or to the owner of such building or vacant stand and may recover the cost of such steps from such owner.

8.5 If the authorised official deems it necessary for the safety of any person, he or she may by notice in writing—

- (a) order the owner of any problem building or vacant stand to remove, within the period specified in such notice, any person occupying or working, or who for any other purpose is in such problem building, and to take care that no person who is not authorised by the municipality enters such problem building or vacant stand;
- (b) Order any person occupying or working, or who for any other purpose is in any problem building or vacant stand, to vacate such building or stand.

8.6 The City shall after all reasonable steps have been taken and all attempts exhausted to locate and cause the owner to comply with the provisions of this by-law and related legislations , accordingly expropriate any problem building or vacant stand only for a public purpose or in the public interest.

8.7 No person shall occupy, use or permit the occupation or use of any problem building or vacant stand or continue to occupy, use or permit, the occupation or use of any problem building or vacant stand in respect of which a notice was served or delivered in terms of this section or steps were taken by the municipality in terms of subsection (2), unless he or she has been granted permission by municipality in writing that such building may be occupied or used or continue to be occupied or used, as the case may be.

## **9. SERVICE OF A COMPLIANCE NOTICE**

9.1 Whenever a compliance notice is authorised or required to be served on a person in terms of this By-law, it shall be deemed to have been effectively and sufficiently served on such person—

- (a) When it has been delivered to him or her personally;
- (b) When it has been left at his or her place of residence or business in the Republic with a person apparently over the age of 16 years;
- (c) When it has been posted by registered or certified mail to his or her last known residential or business address in the Republic and an acknowledgment of the posting thereof is produced;

(d) if his or her address in the Republic is unknown, when it has been served on his or her agent or representative in the Republic in the manner contemplated in paragraph (a), (b) or (c); or

(e) If his or her address and agent in the Republic are unknown, when it has been posted in a conspicuous place on the immovable property, if any, to which it relates.

9.2 When a compliance notice as aforesaid is authorised or required to be served on a person by reason of his or her being or having been the owner or holding some other right in respect of immovable property, it shall not be necessary to name him or her, but it shall be sufficient if he or she is therein described as the owner or holder of such immovable property or other right, as the case may be.

## **10.COMBINED NOTICES**

10.1 The Municipality is not restricted, when issuing a notices in terms of this by-law in respect of -

(a) Multiple contraventions of the provisions of this By-law or of any other By-law in respect of a problem building or vacant stand;

(b) Multiple failure or refusal to comply with a compliance notice in terms of this by-law, to serve a combined notice dealing with all of those contraventions, failure or refusals, as the case may be.

## **11.BAN ON NEW OCCUPANTS**

11.1 The municipality may, once a problem building has been declared, apply to court for an interdict restraining the owner and any agent from:

(a) allowing any other people, in addition to those identified in the profile of occupants, from occupying or residing at the building and

(b) filing any vacancy which arise as a result of any person identified in the profile of occupants vacating the building.

## **12. ENGAGEMENT WITH OCCUPIERS**

12.1. If a problem building or vacant stand is occupied, the Municipality must serve a compliance notice to the occupiers and affix a copy of the compliance notice at the main entrance of the building or on the vacant stand where :

a). the building or vacant stand has been declared a problem building or problematic vacant stand

b). the owner has been instructed to take specified steps within a period of 30 working days.

c). continued occupation of the problem building

is unsafe and;

d). the municipality will seek the eviction of the occupiers if the owner fails to comply with the compliance notice.

12.2 In the event that the owner of a problem building or vacant land which is occupied by resident fails to comply with the compliance notice, the municipality must serve a further notice on the occupiers and affix a copy of the notice at the main entrance to the building or vacant stand:

a). advising that the owner of the problem building or vacant stand failed to comply with the alternative accommodation

- b). warning that continued occupation of the problem building is not safe
- c). advising that the municipality intends seeking the eviction of the occupiers;
- d). if possible listing the details of alternative accommodation and
- e). providing the contact details of the relevant Directorate to assist the occupiers in finding possible alternative accommodation.

### **13. EVICTION**

13.1 Where the owner of the problem building or vacant stand failed to comply with a compliance notice, the Municipality may, after having complied with the engagement process contemplated in terms of section 8, apply to court for the eviction of the occupants.

### **14. UNSAFE USE OF THE PROBLEM BUILDING**

14.1 In the event that the authorized official has a reason to believe that the condition of the building is such that steps should be immediately taken to protect life or property, he or she may take such steps as may be necessary in the circumstances without having to comply with any other provision of this By-law and may recover the costs incurred from the owner.

14.2 In the event that the authorized official deems it necessary to act in terms of subsection 1 he or she may for the purposes of ensuring the safety, of any person, by notice in writing order-

(a) The owner of a problem building or vacant stand to-

- i) Remove, within a period specified in the notice, any person residing in or otherwise occupying such problem building or vacant stand
- ii) Take reasonable steps to ensure that no person who is not authorized by municipality enters such problem building or vacant stands and

(b) any person residing in or otherwise occupying a problem building or vacant stand to vacate such problem building or stand.

15 No person may enter or continue to occupy, use permit the occupants or use of any problem building in respect of which a notice was served in accordance with subsection 2 unless he or she has been given written permission to do so by the municipality

### **15. INDEMNITY**

15.1 The municipality and any authorised official is not liable to a third party for any damage caused by anything lawfully done or omitted by the municipality or any authorised official in carrying out any function or duty in terms of this By-law.

### **16. LAWFUL INSTRUCTIONS**

16.1 Failure to comply with a lawful instruction of an authorized official constituted a contravention of this By-law.

### **17. VARIOUS LIABILITY**

17.1 The owner of a problem building or vacant stand whose managing agent or tenant, in the case of a tenant who has then power or obligation to sub-let, maintain and manage the building or portion of the building :



- a. Contravenes the provisions of this by-law or of any other by-law in respect of a problem building or vacant stand
  - b. Fails or refuses to comply with a compliance notice issued in terms of this by-law, deemed to have committed such contravention himself or herself, unless the owner can show that he or she took reasonable steps to prevent such contravention provided that : -
    - (i) the owner issued instruction to the agent or tenant, prohibiting such contravention or
    - (ii) a written agreement making the agent, tenant, or another third party responsible for compliance, does not in itself constitute sufficient proof of such reasonable steps.
- 17.2 The agent of a problem building or vacant stand or tenant in a problem building or vacant stand, in the case of a tenant who has the power of obligation to sub-let, in the case of a tenant who has the power or obligation to sub-let, maintain and manage the building or vacant stand or a portion of the building or vacant stand, is jointly and severally liable with the owner of such building or vacant if the owner-
- (a) Contravenes the provisions of this By-law or of any other applicable law in respect of a problem building or vacant stand
  - (b) Fails or refuses to comply with a compliance notice issued in terms of this by-law, unless the agent or tenant can show that he or she took reasonable steps to prevent such contravention.

## 18. PRESUMPTIONS

- 18.1 A person charged with an offence in terms of this By-law who is-
- (a) letting a problem building; or
  - (b) acting as an agent in respect of a problem building, is deemed, until the contrary, to have knowingly let or managed a problem building

## 19. DELEGATIONS

- 19.1 Subject to the Constitution and applicable national and provincial laws any power, excluding a power referred to in section 160(2) of the Constitution; function; or duty, conferred in this By-law, upon the Council, or on any the Municipality's other political structures, political office bearers, councilors or staff members, may be delegated or sub-delegated by such political structure, political office bearer, councilor, or staff member, to an entity within, or a staff member employed by the Municipality.
- 19.2 A delegation in terms of subsection (1) must be effected in accordance with the system of delegation adopted by the Council in accordance with section 59(1) of Local Government: Municipality System Act, 2000(Act No.32 of 2000) subject to the criteria set in section 59 (2) of the said Act.

## 20. RECOVERY OF COSTS

- 20.1 In the event that a person-
- (a) Contravenes the provisions of this by-law or of any other applicable law in respect of a problem building or vacant stand

- (b) Fails of refuses to comply with a compliance notice issued in terms of this By-law, such person is guilty of an offence and the municipality may take any steps required to remedy the contraventions and recover the costs from such person.

## 21. OFFENCES AND PENALTIES

21.1 Any person who contravenes any provision, or fails to comply with any notice issued in terms, of this By-law commits an offence if he or she:

- (a) Fails or refuses to comply with a compliance notice
- (b) Fails to comply with any lawful instructions given in terms of this by-law;
- (c) Threatens, resists, interferes with or obstructs any authorized officials in the performance of his or her duties or functions in terms of or under this by-law; or
- (d) Deliberately furnishes false or misleading information to an authorized official, is guilty of an offence.

## 22. PENALTIES

22.1 Any person who is convicted of an offence under this by-law is liable to-

- (a) A fine of an amount not exceeding R100 000
- (b) Imprisonment for a period not exceeding three years;
- (c) Both such fine and imprisonment contemplated in paragraphs (a) and (b)
- (d) Where applicable deprivation of property ownership as contemplated in paragraph 8.6 of this bylaw.

22.2 In the case of a continuing offence, a person is liable to pay:

- (a) an additional fine of an amount of R 50 000.00 or
- (b) imprisonment for a period not exceeding ten days for each day on which such offence continued may be imposed.

22.3 In addition to any penalty imposed in terms of subsections (a) and (b), the person so convicted shall be liable to pay the cost of repair of any damage caused or costs incurred in remedying any damage resulting from such an offence.

## 25. SHORT TITLE

This By-Law shall be called: Rustenburg Local Municipality Problem Building and Vacant Stands By-law and takes effect from the date of publication thereof in the Provincial Gazette.

APPROVED DATE BY COUNCIL	
PROMULGATED DATE	

## PROVINCIAL NOTICE 105 OF 2019

**NOTICE IN TERMS OF SECTION 17(1) OF THE RUSTENBURG LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2018 FOR A CHANGE OF LAND USE RIGHTS KNOWN AS A REZONING. RUSTENBURG AMENDMENT SCHEME 1931**

The firm NE Town Planning CC (Reg. Nr. 2008/249644/23), being the authorised agent of the owner of **Portion 4 of Erf 1423 Rustenburg, Registration Division J.Q., North West Province** hereby give notice in terms of Section 17(1)(d) of the Rustenburg Local Municipality Spatial Planning and Land Use Management By-Law, 2018 that we have applied to the Rustenburg Local Municipality for a change of land use rights also known as rezoning of the property described above, situated at 36a Zand Street, from "Residential 1" to "Residential 1" including a Place of Instruction as defined in Annexure 2232 to the Scheme. This application contains the following proposals: A) That the property will still be used mainly for residential purposes, but with the addition of a Place of Instruction (Extra Classes). B) The adjacent properties as well as properties in the area, could thereby be affected. C) The rezoning from "Residential 1" to "Residential 1" including a Place of Instruction, entails that the existing building will be utilised for the purposes mentioned above with the following development parameters: Max Height: 2 Storeys, Max Coverage: Single Storey: 50%, Double Storey: 40%. Any objection or comments, with the grounds therefore and contact details, shall be lodged within a period of 28 days from the first date on which the notice appeared, with or made in writing to: Municipality at: **Room 319, Missionary Mpheni House, cnr. Nelson Mandela and Beyers Naude Drives, Rustenburg, or to PO Box 16, Rustenburg 0300**. Full particulars and plans (if any) may be inspected during normal office hours at the above-mentioned offices, for a period of 28 days from the date of first publication of the advertisement in the Provincial Gazette, Beeld and Citizen and/or Site Notice. Closing date for any objections : **9 July 2019**. Address of applicant NE Town Planning CC, **155 Kock Street, Suite 204, De Dak, Rustenburg 0299 or P.O. Box 5717, RUSTENBURG, 0300**; Telephone No: 014 592 2777. Dates on which notice will be published: **11 and 18 June 2019**

11-18

## PROVINSIALE KENNISGEWING 105 VAN 2019

**KENNISGEWING INGEVOLGE ARTIKEL 17 (1) VAN DIE RUSTENBURG PLAASLIKE MUNISIPALITEIT RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUURS VERORDENING, 2018 VIR 'N VERANDERING VAN DIE GRONDGEBRUIKSREGTE BEKEND AS 'N HERSONERING. RUSTENBURG WYSIGINGSKEMA 1931.**

Die firma NE Town Planning BK (Reg. Nr. 2008/249644/23), synde die gemagtigde agent van die eienaar van **Gedeelte 4 van Erf 1423 Rustenburg, Registrasie Afdeling J.Q., Noord-Wes Provinsie**, gee hiermee ingevolge, Artikel 17(1)(d) van die Rustenburg Plaaslike Munisipaliteit Ruimtelike Beplanning en Grondgebruikbestuur Verordening, 2018 kennis dat ek by Rustenburg Plaaslike Munisipaliteit aansoek gedoen het vir die verandering van die grondgebruikregte, ook bekend as die hersonering van die eiendom hierbo beskryf, geleë te Zandstraat 36a, Rustenburg, vanaf "Residensieël 1" na "Residensieël 1" insluitend 'n Plek van Onderrig soos omskryf in Bylae 2232 tot die Skema. Hierdie aansoek behels A) dat die eiendom steeds hoofsaaklik gebruik sal word as 'n wooneenheid, met die toevoeging van 'n Plek van Onderrig (Ekstra Klasse) B) die aangrensende eiendomme asook eiendomme in die omgewing kan moontlik hierdeur geraak word. C) Die hersonering van "Residensieël 1" na "Residensieël 1" insluitend 'n Plek van Onderrig, behels dat die bestaande gebou gebruik sal word vir die doeleindes soos hierbo genoem en bevat die volgende ontwikkelingsparameters: Maks Hoogte: 2 verdiepings, Maks dekking: Enkelverdieping: 50%, Dubbelverdieping: 40%. Enige besware of kommentaar, met gronde daarvoor asook kontakbesonderhede, kan gebring word binne 'n tydperk van 30 vanaf die eerste datum waarop die kennisgewing verskyn het na die **Munisipaliteit: Kamer 319, Missionary Mpheni House, h.v. Nelson Mandela en Beyers Naude Rylane, Rustenburg, of na Posbus 16, Rustenburg 0300**. Besonderhede en planne (indien enige) is beskikbaar vir inspeksie gedurende gewone kantoorure by die bovermelde kantore, vir 'n tydperk van 30 dae van die datum van eerste publikasie van die kennisgewing in die Provinsiale Gazette, Beeld en Citizen en/of terrein kennisgewing. Sluitingsdatum vir enige besware: **9 Julie 2019**. Adres van applikant: **155 Kockstraat, Suite 204, De Dak, Rustenburg 0299 of NE Stadsbeplanners BK, Posbus 5717, RUSTENBURG, 0300**; Telefoon nr: 014 592 2777. Datums waarop kennisgewings gepubliseer word: **11 en 18 Junie 2019**.

11-18

**PROVINCIAL NOTICE 106 OF 2019****NOTICE OF APPLICATION FOR AMENDMENT OF THE TOWN PLANNING SCHEME IN TERMS OF SECTION 17(1) OF THE RUSTENBURG LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2018 FOR THE CHANGE OF LAND USE RIGHTS KNOWN AS REZONING, RUSTENBURG AMENDMENT SCHEME 1830**

I Elmarie Boekhoud being the registered owner of the Remaining extent of Erf 1213 Rustenburg hereby give notice in terms of Section 17(1)(a) of the Rustenburg Local Municipality Spatial Planning and Land Use Management By-Law 2018 read with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) to amend the Rustenburg Land Use Management Scheme 2005, for the rezoning of the Remaining extent of Erf 1213 Rustenburg from "Residential 1" to "Special for Offices". As defined in Annexure 2144. Height: 2 stories', F.A.R: 0.4 and coverage 80%.

Full particulars of the application will lie for inspection during office hours at the office of the Municipal Manager, Room 319, Missionary Mpheni House, c/o Beyers Naude and Nelson Mandela Drive, Rustenburg for a period of 30 days from the first date on which the notice appeared. Any objections, to or representations in respect of this application shall be lodged with or made in writing to the Municipal Manager at P.O Box 16, Rustenburg, 0300, within a period of 28 days from the first date on which the notice appeared in the advertisements.

Contact Details: Elmarie Boekhoud  
No. 50 Marie Street  
Rustenburg  
0299

11-18

**PROVINSIALE KENNISGEWING 106 VAN 2019****KENNISGEWING INGEVOLGE ARTIKEL 17(1) VAN DIE RUSTENBURGPLAASLIKE MUNICIPALITEIT RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUUR VERORDENING, 2015 VIR 'N VERANDERING VAN DIE GRONDGEBRUIKSREGTE BEKEND AS 'N HERSONERING, RUSTENBURG WYSIGINGSKEMA 1830**

I Elmarie Boekhoud synde die geregistreerde eienaars van die Resterende Gedeelte van Erf 504 Rustenburg gee hiermee ingevolge Artikel 17 (1) (a) van die Rustenburg Plaaslike Munisipaliteit se Ruimtelike Beplanning en Grondgebruikbestuursverordening 2018 gelees met Wet op Ruimtelike Beplanning en Grondgebruik, 2013 (Wet 16 van 2013) om die Rustenburg Grondgebruiksbeheerskema 2005 te wysig, vir die hersonering van die Resterende Gedeelte van Erf 504 Rustenburg vanaf "Residensieel 1" na "Residensieel 2". Soos omskryf in Aanhangsel 2144. Hoogte: 2 verdiepings, F.A.R: 0.4 en dekking 80%.

Volledige besonderhede van die aansoek le ter insae gedurende kantoorure by die kantoor van die Munisipale Bestuurder, Kamer 319, Missionary Mpheni House, h / v Beyers Naude - en Nelson Mandelarylaan, Rustenburg vir n tydperk van 30 dae vanaf die eerste datum waarop die kennisgewing verskyn. Enige besware teen of vertoe ten opsigte van die aansoek moet binne 'n tydperk van 30 dae vanaf die eerste datum waarop die kennisgewing in die advertensie verskyn, ingedien of gerig word aan die Munisipale Bestuurder, Posbus 16, Rustenburg, 0300, binne 'n tydperk van 28 dae.

Kontakbesonderhede: Elmarie Boekhoud  
No. 50 Marie Street  
Rustenburg  
0299

11-18

**PROVINCIAL NOTICE 107 OF 2019****APPROVAL OF AMENDMENT OF MAHIKENG LAND USE SCHEME, 2018**

It is hereby notified in terms of the provisions of Section 66(5) of the Mafikeng Spatial Planning and Land Use Management By-Law, 2018 (promulgated on 12 June 2018), that the Mahikeng Local Municipality has approved the application for the amendment of the Mahikeng Land Use Scheme, 2018 by the rezoning of Erf 2935 Mafikeng Extension 29 from "*Residential 2*" to "*Institutional*".

The amendment scheme number is filed with the Municipality and is open for inspection during normal office hours. This amendment is known as *Mahikeng Land Use Scheme No. 4* and shall come into operation on the date of publication of this notice.

**MR R.A MORRIS**

**ACTING MUNICIPAL MANAGER, MAFIKENG LOCAL MUNICIPALITY, CNR  
UNIVERSITY DRIVE & HECTOR PETERSON ROAD, MMABATHO, 2735**

**PROVINSIALE KENNISGEWING 107 VAN 2019****GOEDKEURING VAN WYSIGING VAN MAHIKENG GRONDGEBRUIK SKEMA, 2018**

Dit word hiermee ingevolge die bepalings van artikel 66 (5) van die Mafikeng Ruimtelike Beplanning en Ordonnansie op Grondgebruikbeplanning, 2018 (afgekondig op 12 Junie 2018) in kennis gestel dat die Mahikeng Plaaslike Munisipaliteit die aansoek goedgekeur het vir die wysiging van die Mahikeng Grondgebruik skema, 2018 deur die hersonering van Erf 2935 Mafikeng uitbreiding 29 van "*Residensieel 2*" na "*institusionele*".

Die wysiging van die wysigingskema word by die Munisipaliteit ingedien en lê ter insae gedurende gewone kantoorure. Hierdie wysiging staan bekend as Mahikeng Grondgebruik skema No. 4 en tree in werking op die datum van publikasie van hierdie kennisgewing.

**MNR R.A MORRIS**

**WAARNEMENDE MUNISIPALE BESTUURDER, MAFIKENG PLAASLIKE  
MUNISIPALITEIT, HOEK UNIVERSITY DRIVE & HECTOR PETERSON PAD,  
MMABATHO, 2735**

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**LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**

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**LOCAL AUTHORITY NOTICE 76 OF 2019****THE PROVINCIAL GAZETTE, NEWSPAPERS AND PLACARD NOTICE IN TERMS OF SECTION 86 (2) (a)  
(i) OF MADIBENG LAND USE MANAGEMENT BY-LAW, 2016 FOR SUBDIVISION OF LAND AS  
CONTEMPLATED IN TERMS OF SECTION 59****NOTICE OF DIVISION OF LAND**

I, Theunis Johannes Van Brakel of Van Brakel PP & PS, being the authorized Applicant on behalf of Michiel Wilhelm Basson hereby give notice, in terms of Section 86 (2) (a) (i) of Madibeng Land Use Management By-law, 2016, that I have applied to the Madibeng Local Municipality for the subdivision of the land described below.

Any objection or comments, with the grounds therefore and contact details, shall be lodged within a period of 30 days from the first date on which the notice appeared, with or made in writing to:  
MUNICIPAL MANAGER: TOWN PLANNING DEPARTMENT, LOCAL MUNICIPALITY OF MADIBENG  
PO BOX 106, BRITS, 0250

Full particulars and plans (if any) may be inspected during normal office hours at the above-mentioned offices, for a period of 30 days from the date of first publication of the advertisement in the Provincial Gazette /Star newspaper.

Closing date for any objections: 4 July 2019

Address of applicant:

VAN BRAKEL Professional Planning and Property Services  
Postnet Suite 60, Private Bag X17, Weltevredenpark, 1715  
12 Gigi Avenue, Northcliff, Johannesburg  
Tel: 011 431 0464 Fax: 086 550 0660  
Cell: 083 307 9243/ 072 270 3824  
E-mail: theuns@vanbrakelppps.co.za / reinaldo@vanbrakelppps.co.za

Dates on which notice will be published: 4 and 11 June 2019

Description of land: Portion 154 (apportion of Portion 1) of the farm Broederstroom 481-JQ North West Province

Number and area of proposed portions:

Proposed Portion 1 in extent approximately	145 800m <sup>2</sup>
<u>Proposed Remainder in extent approximately</u>	<u>28 773m<sup>2</sup></u>
TOTAL	174 573m <sup>2</sup>

04-11



**PLAASLIKE OWERHEID KENNISGEWING 76 VAN 2019**

**DIE PROVINSIALE GAZETTE, KOERANT EN EIENDOMSKENNISGEWING IN TERME VAN ARTIKEL 86 (2) (a) (i) VAN DIE MADIBENG GRONDGEBRUIKSBESTUURS BY-WET, 2016, VIR DIE VERDELING VAN GROND SOOS BESKRYF IN TERME VAN ARTIKEL 59**

**KENNISGEWING VAN VERDELING VAN GROND**

Ek, Theunis Johannes Van Brakel van Van Brakel PP & PS, die gemagdigde agent van Michiel Wilhelm Basson gee hiermee kennis in terme van Artikel 86 (2) (a) (i) van die Madibeng Grondgebruiksbestuurs By-Wet, 2016, dat ek aansoek gedoen het by die Madibeng Plaaslike Munisipaliteit vir die verdeling van die eiendom hieronder beskryf.

Enige beswaar of kommentaar met die redes daarvoor asook kontak besonderhede moet binne n periode van 30 dae van die datum van eerste publikasie van die kennisgewing skriftelik ingedien word by: DIE MUNISIPALE BESTUURDER: STADSBEPLANNINGS DEPARTEMENT, MADIBENG PLAASLIKE MUNISIPALITEIT, POSBUS 106, BRITS, 0250

Die aansoek en planne kan besigtig word gedurende normale kantoor ure by die bovermelde kantore vir n periode van 30 dae van die datum van eerste publikasie van die kennisgewing in die Provinsiale Gazette en Star Koerant.

Sluitings datum vir besware: 4 Julie 2019

Adres van aansoeker:

VAN BRAKEL Professional Planning and Property Services

Postnet Suite 60, Private Bag X17, Weltevredenpark, 1715

12 Gigi Avenue, Northcliff, Johannesburg

Tel: 011 431 0464 Fax: 086 550 0660

Sel: 083 307 9243/ 072 270 3824

E-mail: theuns@vanbrakelppps.co.za / reinaldo@vanbrakelppps.co.za

Datums waarop die kennisgewing gepubliseer gaan word: 4 en 11 Junie 2019

Beskrywing van grond: Gedeelte 154 ('n gedeelte van Gedeelte 1) van die plaas Broederstroom 481-JQ Noordwes Provinsie

Aantal en oppervlakte van Gedeeltes:

Voorgestelde Gedeelte 1 en oppervlakte	145 800m <sup>2</sup>
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Voorgestelde Restant en oppervlakte	28 773m <sup>2</sup>
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TOTAAL	174 573m <sup>2</sup>
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04-11

**LOCAL AUTHORITY NOTICE 77 OF 2019**

**MAQUASSI HILLS LOCAL MUNICIPALITY  
MAQUASSI HILLS SPATIAL DEVELOPMENT FRAMEWORK**

It is hereby notified in terms of Section 20.(1) of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) that the Maquassi Hills Local Municipality has adopted a Municipal Spatial Development Framework, to be known as the Maquassi Hills Spatial Development Framework, April 2017, with effect from 27 March 2018.

**MR. VELAPHI ERENS ZIKALALA, MUNICIPAL MANAGER, MAQUASSI HILLS LOCAL MUNICIPALITY, 19 KRUGER STREET, WOLMARANSSTAD, 2630. TEL: 018- 596 3025 (8/8/36)**

**PLAASLIKE OWERHEID KENNISGEWING 77 VAN 2019**

**MAQUASSI HILLS PLAASLIKE MUNISIPALITEIT  
"MAQUASSI HILLS SPATIAL DEVELOPMENT FRAMEWORK"**

Hierby word ooreenkomstig die bepalings van Artikel 20.(1) van die "Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013)", bekend gemaak dat die Maquassi Hills Plaaslike Munisipaliteit 'n Munisipale "Spatial Development Framework", aanvaar het, wat bekend staan as die "Maquassi Hills Spatial Development Framework, April 2107", met ingang van 27 Maart 2018.

**MNR. VELAPHI ERENS ZIKALALA, MUNISIPALE BESTUURDER, MAQUASSI HILLS PLAASLIKE MUNISIPALITEIT, KRUGERSTRAAT 19, WOLMARANSSTAD, 2630. TEL: 018- 596 3025 (8/8/36)**



**LOCAL AUTHORITY NOTICE 78 OF 2019****RUSTENBURG LOCAL MUNICIPALITY  
APPROVAL OF AMENDMENT OF RUSTENBURG LAND USE MANAGEMENT SCHEME, 2005  
AMENDMENT SCHEME 1853**

It is hereby notified in terms of Section 18(1)(v) of the Rustenburg Local Municipality Spatial Planning and Land Use Management By-Law, 2015, read with Section 17(1) of the Rustenburg Local Municipality Spatial Planning and Land Use Management By-Law, 2018 that the Rustenburg Local Municipality has approved the amendment of the Rustenburg Land Use Management Scheme, 2005. The approval includes the rezoning of Portion 138 (a portion of Portion 21) of the farm Boschhoek 103 as well as Portion 140 (a portion of Portion 11) of the farm Boschhoek 103, Registration Division J.Q., North West Province from "Agricultural" to "Special" for the purposes of Smelting and Sintering as restricted in terms of Annexure 2166.

Map 3 and the scheme clauses of the amendment scheme are filed with the Municipal Manager, Rustenburg Local Municipality, Municipal Offices, Rustenburg and the Chief: Town and Regional Planner, Sub-Directorate: Spatial Planning and Land Use Management, Department of Local Government and Human Settlement, Mmabatho and are open for inspection during normal office hours.

This amendment is known as Amendment Scheme 1853, subject to Annexure 2166, and shall come into operation on the date of publication of this notice.

**Municipal Manager, Municipal Offices, RUSTENBURG LOCAL MUNICIPALITY, RUSTENBURG, (2/1812), 11 June 2019**

**PLAASLIKE OWERHEID KENNISGEWING 78 VAN 2019****RUSTENBURG PLAASLIKE MUNISIPALITEIT  
GOEDKEURING VAN WYSIGING VAN RUSTENBURG LAND USE MANAGEMENT SCHEME, 2005  
WYSIGINGSKEMA 1853**

Hierby word ooreenkomstig die bepalings van Artikel 18(1)(v) van die Rustenburg Plaaslike Munisipaliteit Ruimtelike Beplanning en Grondgebruikbestuur Verordening, 2015, gelees met Artikel 17(1) van die Rustenburg Plaaslike Munisipaliteit Ruimtelike Beplanning en Grondgebruikbestuur Verordening, 2018 bekend gemaak dat die Rustenburg Plaaslike Munisipaliteit die wysiging van die Rustenburg Grondgebruiksbeheerskema, 2005, goedgekeur het. Die goedkeuring sluit in die hersonering van Gedeelte 138 ('n gedeelte van Gedeelte 21) van die plaas Boschhoek 103 en Gedeelte 140 ('n gedeelte van Gedeelte 11) van die plaas Boschhoek 103 Registrasie Afdeling J.Q., Noordwes Provinsie vanaf "Landbou" na "Spesiaal" vir die doeleindes van Smelting en Sintering soos beperk ingevolge Bylae 2166.

Kaart 3 en die skemaklousules van die wysigingskema word in bewaring gehou deur die Munisipale Bestuurder, Rustenburg Plaaslike Munisipaliteit, Munisipale Kantore, Rustenburg en die Hoof: Stads- en Streekbeplanner, Sub-Direktoraat: Ruimtelike Beplanning en Grondgebruiksbestuur, Departement Plaaslike Regering en Menslike Vestiging, Mmabatho vir inspeksie te normale kantoorure.

Hierdie wysiging staan bekend as Wysigingskema 1853, beperk tot Bylae 2166, en tree in werking op datum van publikasie van hierdie kennisgewing.

**Munisipale Bestuurder, Munisipale Kantore, RUSTENBURG PLAASLIKE MUNISIPALITEIT, RUSTENBURG, (2/1812) 11 Junie 2019**

**LOCAL AUTHORITY NOTICE 79 OF 2019****CITY OF MATLOSANA****KLERKSDORP AMENDMENT SCHEME 1050**

The City of Matlosana hereby in terms of the provisions of Section 125 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) read with Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013), declares that it has approved an amendment scheme being an Amendment of the Klerksdorp Land Use Management Scheme, 2005, comprising the same land as included in the township Klerksdorp (i.e. Erf 352 Klerksdorp).

Map 3 and the scheme clauses of the amendment scheme are filed with the Municipal Manager, City of Matlosana and the Chief Town and Regional Planner, Sub-Directorate: Spatial Planning and Land Use Management, Department of Local Government and Human Settlements, Mmabatho and are open for inspection during normal office hours.

This amendment is known as Amendment Scheme 1050 and shall come into operation on the date of publication of this notice.

Civic Centre  
**KLERKSDORP**  
Notice No. 51/2019

**T.S.R. NKHUMISE**  
**MUNICIPAL MANAGER**

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