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KWAZULU-NATAL PROVINSIE
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MUNICIPAL NOTICES

No. 2**12 January 2011**

The Council of the Mandeni Municipality has, in terms of Section 156 (2) of the Constitution 1996 (Act No. 108 of 1996), read in conjunction with Section 11 (3) (m) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), made the following bylaws which shall become effective from the date of publication hereof:

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

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

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

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

AND WHEREAS is the duty of the Mandeni Municipality to balance the competing interest in a fair, equitable, flexible and responsible way;

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

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

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

MANDENI MUNICIPALITY
ADVERTISING SIGNS AND HOARDINGS: BY-LAWS

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1. Definitions

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

"Advertisement" means any representation of a word, name, letter, figure or object or an abbreviation of a word or name, or any sign or symbol, or any light which is not intended solely for illumination or as a warning against any danger, which has its object the furthering of any industry, trade, business undertaking, event or activity of whatever nature and which is visible from any street, road or public place;

"Advertising Policy" means the South African Manual for Outdoor Advertising Control, hereinafter referred to as SAMOAC, adopted by the Council of the Mandeni Municipality as the Policy on Outdoor Advertising, as amended from time to time;

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

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

"Advertising structure" means any physical structure built to display advertising;

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

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

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

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

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

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

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

"Billboard" means any screen, board, hoarding, fence, wall or other structure larger than 4.5m² and in a fixed position used or intended to be used for the purpose of posting, displaying or exhibiting any advertisement;

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

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

"Charge" means the appropriate monetary charge determined by the Council;

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

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

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

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

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

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

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

"Curtilage" is the whole of the area of land within the boundaries of the subdivision/s forming the site of any building;

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

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

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

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

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

"Election" means an advertisement used in connection with any national, provincial, or municipal election, by-election or referendum;

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

"Event" is an occurrence which is not of a repetitive nature;

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

- a. National flags that do not carry advertisement in addition to the design of the flag or flagstaff; and
- b. Flags carried as part of a procession.

"Flashing Advertisement" means an electric advertisement which intermittently appears and disappears and/or illuminated with varying colour or intensity;

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

"Fly poster" means any poster which is pasted by means of an adhesive directly onto a surface;

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

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

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

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

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

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

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

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

"Municipality" means the area of jurisdiction of the Mandeni Municipality;

"Municipal Manager and Manager Corporate Services" mean the officers, or the persons acting in their stead, for the time of being in office under the Council of the Mandeni Municipality;

"Non-profit body" is a body established to promote a social goal without the personal financial gain of any individual or profit-making commercial organisation involved;

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

"Person" includes both natural and juristic persons;

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

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

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

"Public Place" means any road, street, thoroughfare, bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden, park or enclosed space vested in the Council and to which the public has access;

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

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

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

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

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"Rotating sign" means a sign which rotates about any axis;

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

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

"Shelter displays" means posters positioned as an integral part of a freestanding covered structure;

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

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

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

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

"Storey" means the space within a building which is situated between one floor level and the next floor level next above, or if there are no clearly defined storeys, the height of a storey shall be taken as 4.5m;

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

"Street line" means the boundary of a public street;

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

"Temporary sign" means a sign, not permanently fixed and not intended to remain fixed in one position, which is used to display an advertisement for a temporary period;

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

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"Tri-vision" means a display which, through the use of triangular louvre construction, permits the advertising of three (3) different copy messages in a predetermined sequence;

"Verandah" is a roofed structure attached to or projecting from the façade of a building and supported along its free edge by columns or posts;

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

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

2. Applications for Council's Approval for Advertising Signs and Hoardings

- (1) No person shall display or erect any advertising sign or hoarding or use any advertising sign or hoarding or use any structure or device as an advertising sign or hoarding without first having obtained the written approval of the Council; provided that the provisions of this Clause shall not apply to signs contemplated in Clause 4;
- (2) No sign erected displayed with the approval of the Council shall in any way be altered, moved, re-erected nor shall any alteration be made to the electrical wiring system of such sign except for the purposes of renovating or maintenance, without the further approval of the Council in terms of sub-clause (1).
- (3) (a) An application in terms of sub-clause 1, accompanied by the required application fee, specified in the tariff of charges, as determined by the Council, shall be signed by the owner / representative of the proposed advertising sign or hoarding and by the registered owner of the land or building on which the sign or advertising hoarding is to be erected or displayed, or on behalf of the owner of the land or building by his agent authorised in writing by such owner and shall be accompanied by:
- i. A locality plan indicating the anticipated position of the sign within the area of the Mandeni Municipality. The Council may require the locality for signs in excess of 10m² to be indicated and described by an accurate GPS reading or an acceptable alternative;
 - ii. A block plan of the site on which the advertising sign or hoarding is to be erected or displayed, drawn to the scale of not less than 1:500 showing every building on the site and the position with dimensions of the sign or advertising hoarding in relation to the boundaries of the site and the location of the streets and buildings on properties abutting the site;
 - iii. A drawing sufficient to enable the Council to consider the appearance of the advertising sign or hoarding and all relevant construction detail;
 - iv. A drawing showing the advertising sign or hoarding in relation to other similar type signage in the area in which it will be erected.
- (b) Every such plan and drawing shall be clearly reproduced on an approved material in sheet form not less than A4 size (210mm x 297mm); and

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- (c) A drawing required in terms of paragraph (a) (iii) shall show all details of the sign and shall be drawn to a scale of not less than 1:20 or other scale acceptable by Council.
 - (d) The Council may require additional information in relation to the land on which the sign is to be erected, its use and impact.
- (4) If a sign is to be attached to or displayed on the facade of a building, the Council may require the submission of an additional drawing showing an elevation of the building in colour, the details and position of the proposed sign and the details and the position of every existing sign on the building, or the Council may require a coloured print of or a photographic or computer generated impression of the building with the details of the proposed sign;
- (5) The Council may require the submission of additional drawings, calculations and other information and a certificate by a person defined in Clause 1 of the Engineering Profession of South Africa 1990 (Act No. 114 of, 1990) as a certified engineer, engineering technician, professional engineer or professional technologist (engineering), in each case giving details to the Council's satisfaction, to enable it to establish the adequacy of the proposed means of securing, fixing or supporting any advertising sign, hoarding or screen referred to in Clause 12, to resist all loads and forces to which the advertising sign, hoarding or screen may be exposed and the sufficiency of the margin of safety against failure, in compliance with the provisions of Regulation B1 of the National Building Regulations published under Government Gazette No. 9613, dated 1 March 1985.
- (6) In considering an application submitted in terms of sub-clause (1), the Council may, in addition to any other relevant factors, have due regard to the following:
- a. No advertising sign or hoarding or copy should be so designed or displayed that:
 - i. It will be detrimental to the environment or to the amenity of the neighbourhood by reason of size, intensity of illumination, quality of design or materials or for any other reason;
 - ii. It will constitute a danger to any person or property;
 - iii. It will display any material which in the opinion of the Council is indecent, suggestive of indecency, prejudicial to public morals or objectionable;
 - iv. It will obliterate any other signs;
 - v. It will in the opinion of the Council be unsightly or detrimentally impact upon a sound architectural design;
 - vi. It will in any way impair the visibility of any road traffic sign or affect the safety of motorists or pedestrians.
 - b. The size and location of the proposed advertising sign or hoarding and its alignment in relation to any existing advertising sign or hoarding or the same building or erf and its compatibility with the visual character of the area surrounding it;
 - c. The number of signs displayed or to be displayed on the erf concerned and its legibility in the circumstances in which it is seen;
 - d. The sign, if not appropriate to the type of activity on or zoning of the erf or site to which it pertains should be considered on its merits in terms of the

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SOUTH AFRICAN MANUAL FOR OUTDOOR ADVERTISING CONTROL
(S.A.M.O.A.C.) guidelines.

- (7) The Council, may refuse any application submitted in terms of sub-clause (1) or grant its approval subject to any amendment and/or condition which it may deem expedient, including a condition that the owner / representative of any advertising sign or hoarding or the owner of the land or building on which such advertising sign or hoarding is to be erected and displayed, or both such owners / representatives, indemnify the Council to its satisfaction against any consequences flowing from the erection, display or mere presence: of such advertising sign or hoarding.
- (8) The Council shall without delay and in writing notify the applicant, an objector or any person who has made representations, of its decision taken by virtue of sub-clause (7).
- (9) Every application, plan, drawing and other document submitted in terms of this Clause shall on approval be retained by the Council for its records.
- (10) Any sign or advertising hoarding for which approval has been granted in terms of sub-clause (7), shall be erected and displayed in accordance with any plan, drawing or other document approved by the Council and any condition imposed in terms of that sub-clause; the Council shall be notified once any approved advertising sign or hoarding has been erected.
- (11) Notwithstanding anything contained in these By-laws, any advertising sign or hoarding which complies to the Council's satisfaction, with the considerations referred to in sub-clause (6)(a), may be approved by the Council.
- (12) Notwithstanding anything contained in these By-laws, these By-laws are to be applied to the Land Use Zones as set out in the enforceable Town Planning Scheme / Land Use Scheme for the area of jurisdiction of the Mandeni Municipality.
- (13) Advertising signs and hoardings approved in terms of Clause 2(7) will conform to the design requirements set out in Clause 26.

3. Withdrawal or Amendment of Council's Approval

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

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4. Exempt Signs

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

- a. Any sign displayed in an arcade;
- b. Any sign displayed inside a building;
- c. Any sign displayed on an approved advertising hoarding;
- d. Any sign advertising a current event in a cinema, theatre or other place of public entertainment, displayed in a fixture or building especially made for such display providing such bill, poster or the like does not exceed 0.6 meters squared in area;
- e. Any sign not exceeding the sizes specified hereunder, which is displayed on a site where a building, swimming pool, tennis court, paving, fencing or garden landscaping or any other structure is in the course of being constructed, erected, carried out or altered and which describes the building or structure being erected or other work or activity being carried out, and which displays the names of the contractors or consultants concerned in such work or activity and identifies the branches of the industry or the professions represented by them, during the course of such construction, erection, carrying out of alterations as the case may be. Provided that only one such sign, or set of signs, shall be permitted per street frontage of a site; and which is placed on or affixed to the building concerned or attached parallel on the boundary fence of the erf on which the building is situated. Such signs are to be removed within twenty one (21) days of the completion of the contract. Signage for ongoing maintenance contracts is not permitted;
- f. A sign consisting of a 600mm x 450mm metal plate or board permitted in terms of Clause 13;
- g. Any sign in a locality wholly or mainly used for residential purposes, other than a brass plate or board not exceeding 600mm x 450mm in size, affixed indicating the name, address and telephone number of a security company contracted to protect the property, provided that only one sign per stand or subdivision shall be permitted and such sign shall be firmly affixed to the boundary wall, fence or gates on the street frontage;
- h. One sign not exceeding 600mm x 450mm in size on each street boundary of an erf or portion of an erf which sign indicates the existence of a commercial security service, burglar alarm system, etc;
- i. Signs not exceeding 0.25m² in area affixed to the wall of a building or erected within the boundary line indicating that the property can be leased and by whom it is maintained;
- j. Flat signs indicating merely the name of the building, its occupier, and his profession of business, provided that it does not project above or beyond the walls of the building upon which it is displayed and be no greater than 4.5m² in area. Any flat sign exceeding 4.5m² in area must be submitted for approval. In the event that there is more than one business being conducted from the building, the combined area of signs displayed may not be greater than 50% of the area of the wall of the building upon which they are displayed;
- k. Signs relating to the immediate sale of newspapers and the like displayed upon the premises from which said newspaper or the like is available for sale or distribution;

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- l. Signs displayed upon a vehicle ordinarily in use as such;
 - m. Signs affixed flat on any part of a building which display on the name, address and telephone number of the premises or the occupier or occupiers thereof, with or without a general description of the type of business lawfully conducted on such premises and the hours of attendance; provided that any such signs do not exceed 0.4m² in area and do not project more than 75mm from the surface on which they are affixed;
 - n. Signs not exceeding 0.4m² in area displayed within the cartilage of the premises to which they relate, which are designed solely for the direction of persons entering upon such premises and do not advertise any merchantable articles or goods;
 - o. Signs displayed from the interiors of any building enclosed by walls, windows and doors;
 - p. Signs which, on merit, are exempted by the Municipal Manager in consultation with the Elevation Control Committee of the Mandeni Municipality.
- (2) Any sign which does not comply with the provisions of these By-laws and which was lawfully displayed on the day immediately preceding the date of commencement of these By-laws shall be exempt from the requirements of these By-laws for a period of three (3) years from the date of the commencement of these By-laws, if the sign in the opinion of the Council is properly maintained and is not altered, or re-erected as contemplated in Clause 2 (2).
- (3) Road traffic signs erected in terms of any Act of Parliament, Provincial Ordinance or By-law are exempt from the provisions of these By-laws.
- (4) Any sign erected as a specific requirement in terms of any By-law, Provincial Ordinance or Act of Parliament is exempt from these By-laws.
- (5) Any transit sign, which is mobile at all times and complies with all requirements of the Road Traffic Act is exempt from these By-laws.

5. Prohibited Signs

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

- (1) Any sign on or between the columns of a verandah or canopy beyond the street line.
- (2) (a) Any sign which projects above or below any fascia, bearer, beam or balustrade of a street verandah or balcony;
- (b) Any luminous or illuminated sign which is fixed to any fascia, bearer, beam or balustrade of any splayed or rounded corner of a street verandah or balcony.
- (3) Any sign suspended across a street unless otherwise approved by Council.
- (4) Any sign on calico, paper mache, woven or similar material unless consisting of flex face within an approved advertising sign.
- (5) Any sign which may either obscure a road traffic sign, be mistaken for with or interfere with the functioning of a road traffic sign.
- (6) Any sign which may obscure traffic by restricting motorists' vision and lines of sight thus endangering motorists' safety.

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- (7) Any sign which is indecent or suggestive of indecency, prejudicial to public morals or is reasonably objectionable.
- (8) Any sign which will obstruct any window or opening provided for the ventilation of a building or which obstructs any stairway or doorway or other means of exit from a building or which will prevent the movement of persons from one part of a roof to another part thereof.
- (9) Any animated or flashing sign the frequency of the animations or flashes or other intermittent alternations of which disturbs the residents or occupants of any building or is a source of nuisance to the public or impairs road traffic safety.
- (10) Any illuminated sign, the level of illumination of which unreasonably disturbs the residents or occupants of any building or is a source of nuisance to the public.
- (11) Any movable temporary or permanent sign other than those specifically provided for in these By-laws.
- (12) Any advertisement or sign other than an exempted sign, for which neither a permit nor approval has been obtained.
- (13) Posters, save as provided for within these bylaws.
- (14) Any sign or signs, the total area, of which exceeds 4.5m², painted or fixed on a wall of a building not being a front wall of such building, unless specifically approved by the Mandeni Municipality.
- (15) Any sign painted on any fence or boundary wall, not being an approved sign or hoarding.
- (16) Any sign which does not comply with the requirements of or which is not permitted by these By-laws.
- (17) Any sign which may obstruct pedestrian or vehicular traffic.
- (18) Any form of fly postering on private or Council property or assets.
- (19) Any transit advertising sign that is parked in public view irrespective of whether it is attached to a vehicle or not.
- (20) Any temporary sign for commercial or third-party advertising erected on Council land or land vested in the Council, unless by prior signed encroachment agreement or contract with the Council.
- (21) Any sign attached to a bridge or any other Council asset, unless by prior signed agreement or contract with the Council.
- (22) Any third-party advertising sign on any property, whether privately or Municipally owned or controlled, other than specifically approved by Council.
- (23) Any sign or poster attached to a Road Traffic Sign.
- (24) Banners, save as provided for within these By-laws.
- (25) Sky signs within any area of maximum control, or in areas of partial or minimal control that are placed within a predominantly residential area;
- (26) Any advertisement, poster or sign that is painted onto or attached in any manner to any tree, plant, rock or to any other natural feature.
- (27) Any leaflet as described by these bylaws.

6. Signs Suspended under Verandahs or Canopies

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

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

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- i. Be affixed at right angles to the street line;
- ii. Have a clear height of not less than 2.4m measured to the lowest point of the sign;
- iii. Not exceed 750mm in depth;
- iv. Not exceed 225mm in thickness;
- v. Not project past the near edge of the columns on each side.

7. Projecting Signs

- (1) No projecting sign shall:
- a. Be affixed otherwise than at right angles to the street line, that is to say, the axis of a projecting sign taken along the line of its projection shall be at right angles to the street line;
 - b. Be fixed at a clear height of less than 2.6m measured to the lowest point of the sign;
 - c. Exceed 225mm in thickness, provided that where a V-construction is employed for the faces thereof, the back of the sign facing the main wall may be more than 225mm, but shall not exceed 600mm in thickness;
 - d. Extend beyond the top of the main wall to which it is affixed;
 - e. Project in any part more than 1.8m from the main wall to which it is affixed;
 - f. Exceed 2.5m² in area on any one face thereof, provided that where the clear height of such projecting sign is more than 4.5m, the said area of 2.5m² may be increased by 0.5m² for every 1.5m by which the clear height exceeds 4.5m up to a maximum of 5m²;
 - g. Be fixed otherwise than in a vertical plane.
- (2) Notwithstanding the provisions of sub-clause (1), larger projecting signs may be erected, provided:
- a. The owner of the building or the person for whom the sign is being erected shall make application for and assume responsibility in connection with such sign, including maintenance, an annual inspection to satisfy himself regarding its safety and liability for all loss or damage caused to any person or property by reason of or in any way arising out of the erection, maintenance or existence of such sign;
 - b. The design thereof shall be to the satisfaction of the Council, and it shall comply in all respects with these By-laws;
 - c. Such sign shall be fixed at right angles to the street and the front of the building upon which it is erected;
 - d. Such sign shall be constructed of metal framing and covered with the metal sheeting and shall not exceed 300mm in depth from face to face;
 - e. Such sign shall not exceed a mass of 450kg or 675kg in the case of a sign consisting only of the name of a central public entertainment building;
 - f. Such sign shall not exceed 9m in height or 1.5m total projection from the building or in the case of a sign consisting only of the name of a central public entertainment building, 14m in height and 1.8m in total projection from the building; Provided that this paragraph shall not apply to any sign which has been erected prior to the date of the publication thereof;

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- g. The sign shall be supported, by at least four iron brackets properly fixed to the building, any two of which shall be capable of carrying the whole mass of the sign, together with wind pressure, against which pressure the sign shall be satisfactorily braced and stayed;
- h. Upon receipt of a notification by the Council under the hand of the Building Control Officer that such sign is unsafe, it shall be removed forthwith by the applicant without any compensation by the Council whatsoever;
- i. The owner of such sign shall sign a form declaring himself to accept, and be bound by, the above conditions;
- j. Such sign shall not be allowed in areas that are predominantly of a residential nature or in areas of maximum control.

8. Pylon Signs

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

9. Flag Signs

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

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- (2) A flag is not permitted in a natural area.
- (3) No one may display a flag larger than 4.5m² in area.
- (4) A flag may not be attached in such a manner as to interfere with or constitute a danger to passing pedestrians or traffic.
- (5) A flag must be replaced every six (6) months or sooner upon the instruction of the Manager Engineering Services should the flag have suffered degradation.
- (6) A flag must be attached to or supported by the poles or other supports on the site or against the building where the function or event is to be held, or where the enterprise is located.
- (7) The amount of flags to be allowed per lot, lamp poles or building is to be determined by the Manager Corporate Services in his sole discretion.

10. Signs flat on buildings

- (1) The total area of any sign placed flat on the front wall of a building facing a street shall not exceed 20m² for every 15m of building frontage to the street which such sign faces and in no case be more than 50% of the area of the wall.
- (2) Signs placed flat on the wall of a building that do not exceed 4.5m² in area are exempt from any application provided that they do not contain any brand advertising.
- (3) All flat signs exceeding 4.5m² in area shall require Council approval prior to their erection.
- (4) The maximum projection of a sign referred to in sub-clause (1) over the footway or ground level shall be 75mm where such sign is less than 2.4m above the sidewalk or ground level immediately below such sign and 230mm where such sign is more than 2.4m above such footway or ground level.
- (5) Signs placed flat on a wall of a building not being a wall contemplated in sub-clause (1), shall not exceed 20m² in total area, unless located in a commercial or industrial zone.
- (6) Notwithstanding the provisions of sub-clause (1) and (3) the Council may where it considers it desirable in the interests of the aesthetic appearance of the building/wall on which the sign is placed or of the neighbourhood of such building/wall, permit or require the dimensions of any such sign to be greater than those prescribed.

11. Requirements for Sky Signs

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

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Number of storeys below sign	One or two storeys
Maximum vertical dimension	1.5m
Three or four storeys	Five or six storeys
2.0m	3.0m
Seven or eight storeys	Nine or more storeys
4.0m	5.0m

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

12. Screens for sky signs

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

- (a) (i) Subject to the provisions of subparagraph (ii), every screen shall be so arranged and constructed as to form a continuous enclosure effectively concealing the frame and the structural components of the sky sign and the screen from view and, if Council so requires, from adjacent or neighbouring properties;
- (ii) If, in the opinion of the Council, the walls of any contiguous buildings are of such height and construction that they will effectively conceal and do not contain openings overlooking the frame and structural components referred to in subparagraph (i), the Council may, subject to any condition it deems expedient, relax the requirement of that subparagraph requiring the provision of a continuous enclosure.
- (b) Unless the Council allows otherwise, no part of the screen shall protrude beyond the perimeter of the building on which it is constructed;
- (c) The gap between the bottom of the screen and that part of the building immediately below it shall not exceed 100mm;
- (d) The vertical dimension of every such screen shall not exceed one-and-one-half times the vertical dimension of the sky sign as contemplated in Clause 11(4): Provided that if the screen also encloses a lift motor room, tank or other structure on the roof of the building, the vertical dimension of the screen may be increased to the same height as such room, tank or structure;
- (e) If the material of which the screen is made has an open mesh or grid formation, the openings in such mesh or grid shall be uniform, the aggregate area of the openings shall not exceed 25% of the area of the screen and no dimensions of any such opening shall exceed 100mm: Provided that the Council may allow the erection of a screen of louvre design if it will ensure the effective concealment as required in terms of paragraph (a)(i).

13. Signs of Buildings used for Residential Purposes

- (1) A single sign containing the name only of any building used for residential purposes other than a dwelling house, and a sign consisting of a 600mm x 450mm brass or other metal plate displaying the name of the company owning or managing such building, its logo and telephone number, may be displayed.

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

14. Signs on Awnings

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

15. Sun Blinds

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

16. Signs not to be Fixed to Verandah Columns

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

17. Signs regarded as tenancy at will

- (1) Any person erecting or possessing signs on or over any street, footway or pavement shall be regarded a tenant at will of the Council in respect of such signs, and, if instructed by the Council to remove any or all of them, shall do so either within fourteen (14) days if the sign is fixed to a pole or any other structure, or immediately if the sign is freestanding and portable, without any compensation either for direct, indirect or consequential damages.

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- (2) The Council may remove such signs in the event of noncompliance with such instruction or if they are not in accordance with these By-laws, and the expenses of such removal shall be recoverable in the ordinary process of law from the owner of the building or from the person to whom the sign belongs.

18. Advertisements on banners or similar items

- (1) Subject to the provisions of Clause 4(1) and sub-clause (2) no advertisement shall be displayed on any banner, streamer, flag, paper, paper mache, plastic sheet or other similar pliable material or on calico or other woven material, without the written permission of the Council, subject to such conditions as the Council may deem expedient.
- (2) Permission in terms of sub-clause (1) shall only be granted for an advertisement relating to a function or event conducted for religious, educational, social welfare, animal welfare, sporting, civic or cultural purposes or to a function or event relating to Local Government, Provincial or National election or referendum.
- (3) Permission to erect a banner in terms of sub-clause (1) shall be applied for by completing an application form accompanied by the appropriate deposit and tariffs in terms of the tariff of charges as determined by Council in respect of each advertisement to which the application relates.
- (4) The Council or its authorised agent may, without notice, remove and destroy any advertisement contemplated in sub-clause (1) which is displayed in contravention of this Clause.
- (5) Every person to whom permission has been granted in terms of sub-clause (1) shall ensure that the following requirements are complied with:
- (a) Not more than five advertisements shall be displayed in respect of one function or event and with no more than one advertisement per street front;
 - (b) Every advertisement shall be attached to or suspended between poles or other supports, or flat against the boundary or main walls of the building on the site on which the function or event is to be held;
 - (c) Every advertisement shall be so attached so as not to interfere with, or constitute a danger to passing vehicular or pedestrian traffic;
 - (d) No advertisement shall be displayed for more than 14 days before the date of the function or event advertised nor shall any such advertisement be permitted to remain in position for more than 48 hours after the conclusion of such function or event failing which the deposit lodged in terms of Clause 18(3) shall be forfeited;
 - (e) Every advertisement shall be constructed from durable PVC fabric with metal ringed eyelets.
- (6) No banner approved in terms of this Clause may be larger than 4.5m².
- (7) After a third contravention in terms of Clause (1) above, the applicant concerned will lose the right to display banners for a period of twelve (12) calendar months.

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19. Painted Advertisements

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

20. Temporary Signs and Advertising

- (1) Signs relating to the letting or selling of property, complying with the following requirements, that may be displayed without the approval of Council:
 - a. Any sign not exceeding 600mm x 450mm in size containing the words "sole mandate" in respect of any dwelling house or residential building and which in addition may display only the name, address and telephone number of the selling agent, and which is placed on or fixed to the building concerned, is attached parallel to a boundary fence of the erf on which the building is situated or is otherwise displayed within the boundaries of such erf. Such signs shall be limited to one sign per agent with a maximum of, one sign per erf and shall comply with the requirements of Annexure 1 (Council policy on the positioning of temporary signs) of these bylaws;
 - b. Any sign not exceeding 600mm x 450mm in size, which containing the word "Sold" in respect of any dwelling house, or residential building, and which in addition may display only the name, address and telephone number of the selling agent, and which is placed on or fixed to the building concerned, is attached parallel to a boundary fence of the erf on which the building is situated or is otherwise displayed within the boundaries of such erf, and which:
 - i. Is displayed only after all signs referred to in paragraph (a) above and 2(a) below have been removed;
 - ii. Is placed on or fixed to the building concerned, or is attached to a boundary fence of the erf on which the building is situated or is otherwise displayed within the boundaries of such erf;
 - iii. Is displayed for a maximum of sixty (60) days;
 - iv. Shall be limited to one sign per agent with a maximum of one (1) sign per erf;
 - v. And shall comply with the requirements of Annexure 1 (Council policy on the positioning of temporary signs) of these bylaws.
 - c. Any sign not exceeding 600mm x 450mm in size, displayed on a vacant residential erf and which displays only the words "Sole Mandate" and the name, address and telephone number of the owner or his agent, or only the word "Sold". Such signs shall be limited to one (1) sign per agency with a maximum of one (1) agency per erf.

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- d. Any sign not exceeding 600mm x 450mm in size containing the words "To Let" in respect of any dwelling house or residential building, or office building or shop and which in addition may, display only the name, address and telephone number of the letting agent, and which is placed on or fixed to the building concerned, is attached parallel to a boundary fence of the erf on which the building is situated or otherwise displayed within the boundaries of such erf. Such signs shall be limited to one (1) sign per agent with a maximum of one (1) sign per erf.
- (2) Signs relating to the selling of property, complying with the following requirements, may only be displayed with the approval of the Council:
- a. FOR SALE SIGN – any sign not exceeding 600mm x 450mm in size containing the words "For Sale" in respect of any dwelling house or residential building and which in addition may display only the name, address and telephone number of the selling agent, and which is placed on or fixed to the building concerned, is attached parallel to a boundary fence of the erf on which the building is situated or is otherwise displayed within the boundaries of such erf. Such signs shall be limited to one (1) sign per agent with a maximum of one (1) sign per erf and shall comply with the requirements of Annexure 1 (Council policy on the positioning of temporary signs) of these By-laws.
- b. LARGE TEMPORARY SIGN – any sign exceeding 600mm x 450mm in area in respect of any dwelling house, residential building, proposed or existing development or vacant land, and which in addition may display only the name, address and telephone number of the selling agent, as well as the details of the proposed development, and which is placed on or fixed to the building concerned, is attached parallel to a boundary fence of the erf on which the building is situated or is otherwise displayed within the boundaries of such erf, and which:
- i. Is displayed for a maximum of one hundred and eighty (180) consecutive days, unless otherwise authorised by Council;
 - ii. Shall be limited to one (1) sign per road frontage per agent with a maximum of four (4) signs per erf in areas of partial or minimum control;
 - iii. Shall be limited to a maximum of two (2) signs per erf in areas of maximum control;
 - iv. Shall comply with the requirements of Annexure 1 (Council policy on the positioning of temporary signs) of these By-laws.
- c. ON SHOW SIGN – any sign not exceeding 600mm x 450mm in size containing the words "On Show" in respect of any dwelling house or residential building and which in addition may display only the name, address and telephone number of the selling agent, and which has an arrow clearly showing the direction the public is intended to take as well as complies with the requirements of Annexure 1 (Council policy on the positioning of temporary signs) of these By-laws.
- (3) Permission to erect temporary signs in terms of Clause 20(a), 20(b), 20(c) or Clause 18 of these bylaws shall be applied for by completing an application form available from Council or its authorised agent and paying the appropriate tariff as laid down in the Council's tariff of charges. At the expiration of the

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permit's ninety (90) day period, a fresh application must be made to the Council. No notice of the expiration of any permit issued in terms of these By-laws shall be given by the Council or its authorised agent.

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

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

- (5) To consider at the Council's discretion temporary advertising on Council land or land vested in or controlled by the Council for a period not exceeding thirty (30) days for special event signs.
- (6) The applicants deposit paid in terms of their application for signs in terms of signs in terms of Clause 20(a), 20(b), 20(c) or Clause 18 of these bylaws will be forfeited by the applicant in favour of the Council or its duly appointed agent if the regulations are not complied with. A fresh application with accompanying deposit will then be required from the applicant.
- (7) After a third contravention in terms of (6) above, the applicant concerned will lose the right to display the applied for temporary signs for a period of twelve (12) calendar months.
- (8) Any person who, after having obtained the approval of the Council for the display of any sign, displays such signs otherwise than in accordance with the approval given, shall be guilty of an offence.

21. Encroaching Signs

- (1) No sign which exists or extends beyond the street line shall remain, except during the pleasure of the Council. The Council may by written notice served on the person having possession or control of any such sign, require such person to remove such sign within a period of time specified in such notice, except where in the opinion of the Council the sign constitutes a potential source of danger to the public, or will or is likely to damage or interfere with any existing or proposed works of the Council or upon the public street, the Council shall have the right to remove such sign forthwith.
Any such person who fails to comply with such notice shall be guilty of an offence.
- (2) The person having possession or control of any sign extending or existing beyond the street line, shall at all times, indemnify the Council against all actions or claims which may be brought against it by any person for loss, injury or maintenance, repair or removal of the sign, and shall also reimburse the Council in respect of all expenses incurred in defending any action or resisting any claim.
- (3) The person having possession or control of any sign extending or existing beyond the street line shall pay to the Council the application and encroachment fee prescribed in the schedule of tariffs and charges.

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- a. The above charges shall be payable to the Municipality or its duly appointed agents upon application in advance, and thereafter annually on the anniversary of the date of application for the time the sign is in place.
 - b. No charge shall be payable unless the sign projects, or is more than 150mm, beyond the street line.
 - c. Where during the course of the period of twelve (12) months referred to in paragraph (a) hereof, any sign is lawfully replaced by another sign, no additional charge in respect of that period if the replacement sign is in all respect the same as the original sign.
 - d. Where any sign is removed whether voluntarily, or at the instance of the Council, no refund of any charges paid shall be made by the Council.
 - e. The payment of any charges as herein provided shall not in any way prejudice or affect the provisions of paragraph (1) of this By-law.
- (4) The person having possession or control of any sign extending, or existing beyond the street line, shall when required in writing by the Manager Engineering Services, enter into a written agreement with the Council in respect of such sign, undertaking the obligations contained in paragraphs (2) and (3) of this By-law; provided that the absence of any such agreement shall in no way affect the provisions of these By-laws. Whenever any change occurs in the identity of the person having possession or control of any such sign, such change shall forthwith be notified to the Council in writing by the person formerly having such possession or control.
- (5) Any person who charges rental for a sign placed beyond the street line or in any municipally controlled area, unless expressly authorised to do so by written agreement with the Council, shall be guilty of an offence.

22. Billboards

- (1) Subject to approval in terms of this By-law, the erection and/or display of billboards is permitted only in areas determined by Council. Such permission will be granted in terms of the provisions of these bylaws and any other Councils policy relating to the display of billboards within the Mandeni Municipality as determined from time to time.
- (2) Permission to erect billboard signs in terms of Clause 22(1) of these By-laws shall be applied for by completing an application form available from Council or its authorised agent and paying the appropriate tariff as laid down in the Council's tariff of charges.

23. Transit Signs

- (1) Transit advertising signs shall only be permitted to be displayed if mobile at all times and comply with all requirements of Road Traffic Legislation.
- (2) The parking of a transit advertising sign on Council or private property for the purposes of third-party advertising is prohibited.
- (3) Transit advertising signs parked on private property for the purpose of storage shall be positioned in such a manner as not to be visible from a street or public place.
- (4) Notwithstanding the provisions on sub-clauses (1), (2) and (3) or otherwise in contravention of these By-laws, the Council or its authorised agent may, without

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prior notice, carry out the removal and impoundment of such transit advertising sign.

- (5) A transit advertising sign impounded by the Council may be released in terms of Clause 33(5)(a) within a period of three (3) months of notification or such sign shall be disposed of by Council to defray any fines or removal costs involved.
- (6) A transit advertising sign impounded by the Council shall only be released after the removal cost and time are settled in full and a copy of the current license registration papers have been submitted for verification.

24. Posters

- (1)
 - (a) No person shall in , or in view of, any street display or cause or allow it to be displayed any poster unless he has first obtained the written permission of the Council;
 - (b) Permission shall only be granted by Council for the display of any poster that relates to a specific meeting, function, election or event;
 - (c) A meeting, function or event that occurs four (4) or more times during any calendar year shall be deemed to be of a repetitive nature. Permission may not be granted by Council in this case.
- (2) Every application for permission in terms of sub-clause (1) shall be accompanied by an application fee or a deposit as determined by the Council, and written details of the urban and rural areas in which the posters are to be displayed and all the posters to which the application relates: Provided that for National, Provincial or Municipal elections and referendums only one poster need be submitted and an application fee be paid by each registered Political Party as determined by the Council.
 - a. Every poster excluding for elections and referendums for which permission is granted in terms of sub-clause (1) shall be provided with a Council sticker and only posters with Mandeni Municipality stickers affixed shall be displayed;
 - b. The Council shall be entitled to retain one such poster for identification purposes.
- (3) Any person who displays or causes or allows to be displayed in or in view of a street, a poster, for which permission has been granted in terms of sub-clause (1) shall ensure that the following requirements are complied with:
 - a. No poster shall be so displayed that any part of it is lower than 2m above the sidewalk or ground level immediately below it;
 - b. No poster displayed by any person shall be indecent, or suggestive of indecency, prejudicial to public morals or reasonably objectionable;
 - c. No poster shall be displayed on motorways including on and off-ramps;
 - d. Every poster other than a parliamentary, provincial or municipal election or referendum poster shall measure 900mm high x 600mm wide (A1 size) and be constructed of a correx (plasticised cardboard) material.
 - e. Every parliamentary, provincial or municipal election or referendum poster shall be attached to a board made of wood, hardboard, correx or other approved weatherproof material, in such a manner that it will not become wholly or partially dislodged by wind or rain, and neither the

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board nor poster shall exceed 900mm high x 600mm wide or be less than 600mm high x 450mm wide, and secured only to an electric light standard erected by the Council of the State in a street or public place: Provided that such board is secured to such light standard by means of stout string or plastic ties or a thin gauge wire and not exceeding four in number nor placed back to back only (no securing material with a metal content is permitted);

- f. No poster relating to a meeting, function or event, other than a National, Provincial or Municipal election or referendum shall be displayed for longer than fourteen (14) days before the date on which such meeting, function or event begins or longer than two (2) days after the date on which it ends;
- g. No poster relating to a parliamentary, provincial or municipal election or to a specific candidate in such election or a poster relating to a referendum shall be displayed for longer than the period extending from the beginning of either date, of nomination or by the IEC or the date of proclamation in the Government Gazette declaring that a referendum or election is to be held, as the case may be, to the end of the tenth day after the date of such election or referendum: Provided that posters not relating to a specific candidate may also be displayed for a period no longer than that extending from a date fourteen (14) days prior to either nomination day or the date of proclamation in the Government Gazette declaring a referendum is to be held, as the case may be, to the end of the fifth day after the date of such election;
- h. Subject to the discretion of the Council, not more than one hundred (100) posters in any urban node shall be displayed at any one time in relation to any meeting, function or event, other than a National, Provincial or Municipal election or referendum or a meeting relating to an election or referendum;
- i. In respect of each candidate or registered Political Party not more than five hundred (500) posters or other advertisements shall be exhibited at any one time in any municipal ward or as otherwise directed by Council, in respect of a referendum not more than one thousand (1000) posters or other advertisements per registered Political Party shall be so exhibited in the municipal area of the Mandeni Municipality or otherwise directed by Council;
- j. The details of the event, the commencement and final date of the event and the venue with address where it is to be held must appear on the posters in clearly legible letters;
- k. The commercial content of the poster may not exceed 30% of the area of the poster nor may such commercial lettering be larger than the main lettering in the remainder of the poster;
- l. The posters may not have a display period of more than fourteen (14) consecutive days for any event advertised;
- m. The display of posters on any bridge substation, traffic island, transformer, building or Council structure or in sensitive areas identified by the Council is prohibited;
- n. The display of auction posters shall only be within the area of jurisdiction of the Mandeni Municipality, duly authorised by the Sheriff of the Court, to a maximum of forty (40). The Case Number or Masters Reference

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Number must be displayed on the poster. A writ is to be produced on submission;

- o. The display of political posters not directly for the purposes of a National, Provincial or Municipal election or referendum, shall be regarded as advertising;
- p. Any advertisement relating to an election, meeting, function or event shall not be placed in such a manner that the content of separate advertisements when read in succession, forms a continuous relative legend.

- (4) The provisions of sub-clause (2) shall not apply in respect of a poster relating to an election or a referendum which:
 - a. Is placed entirely inside private premises;
 - b. Is displayed in or on a motor vehicle;
 - c. Is displayed at the Committee Room clearly marked as such, of a candidate in an election; or
 - d. Fixed to an advertising hoarding for which approval has been granted in terms of Clause 2.
- (5) Any poster which is displayed without permission or in contravention of this Clause may without notice be removed and destroyed by the Council or persons appointed by the Council. Any costs incurred by the Council in the removal will be borne by the person who displayed the poster or caused, or allowed it to be displayed.

25. Sandwich Boards

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

- (1) Sandwich boards placed in the Road Reserve or in Public Open Space without the written permission of the Municipality are not permitted in terms of the By-law.
- (2) The Municipality may summarily remove those sandwich boards placed without the Municipality's permission in the Road Reserve or Municipality-owned property. The Municipality will impound these signs. Owners can recover their property on payment of R250.00 to the Municipality which will be used to defray the cost of removal, storage and transportation.
- (3) The Municipality will consider applications to permit the placement, within the Road Reserve or on Municipality-owned property of certain sandwich boards which comply with the following requirements:
 - a. The sandwich board does not pose a hazard in terms of safety to the public and is, in this regard, of appropriate structure and size;
 - b. The sandwich board does not obstruct or inconvenience the public either by its physical size or location;
 - c. The sandwich board does not unfairly prejudice other traders;
 - d. The sandwich board, or proposed number thereof, does not detract from the amenity of the local street scape or local environment;

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- e. The sandwich board is solely to advertise the name of the business, goods and/or services for sale from the advertiser's premises;
 - f. The maximum dimensions of the proposed loose portable sign shall be 1.20m (height) x 0.6m (width);
 - g. The sandwich board shall be placed directly in front of the advertisers' premises, provided that the above criteria are met;
 - h. A minimum clear footway width of 1.2m adjacent to the sign must remain clear.
- (4) Approved sandwich board will be allocated to a demarcated area within the Road Reserve or on Municipal property where, during normal trading hours, applicants may then place the approved sandwich board. The said sandwich board must be removed outside of normal trading hours and stored away from public view.
- (5) The demarcated area for displaying the sandwich boards will be leased to an applicant at the rate published by the Council in its schedule of tariffs and charges in advance for a maximum period of six (6) months.
- (6) Applicants will be required to indemnify the Municipality against any claims for third parties that may arise, due to the placement of sandwich boards within the Road Reserve or on Municipal property and shall take out third-party insurance.
- (7) Notwithstanding the above the Municipality may cause the removal or impoundment of the sandwich board/s should the applicant contravene any of the above conditions.

26. Fixing of Signs and Hoardings

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

27. Design requirements for signs (Regulations for Clause 2(13))

- (1) Definitions "An item of information" on a sign means a syllable, an initial, a symbol or logo, an abbreviation, a group of numbers (e.g. a telephone number), a broken plane (i.e. more than one geometric shape or background area) and a graphic feature.
- (2) Design requirements:
 - a. No information sign may contain more than ten (10) items of information: Provided that in the case of establishments with long names, such names should not be counted as more than four (4) items of information

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provided that they appear only once per street frontage and in the lettering is of the same size, style, colour and typeface.

- b. Lettering 70mm in height or less will not be counted as an item of information.
- c. Architectural letters less than 500mm in height and carved into the material of a building or attached securely to it are not counted as items of information: Provided that:
 - i. The letters are not specially illuminated;
 - ii. The letters are not constructed of a shiny material;
 - iii. The colour of the letters does not contrast sharply with that of the building's surface;
 - iv. The letters do not exceed 50mm in thickness.

- (3) Sign formats – Any sign requiring approval in terms of Clause 21 and which is required to conform to Clause 21(3) may be exempted from submitting further individual applications in instances where a prototype sign format was approved by the Council.

28. Materials for Signs, Advertising Hoardings, Screens and Supporting Structures

- (1) All iron or steel used in any advertising sign, hoarding or screen referred to in Clause 12 or as means of support for such sign, hoarding or screen shall be painted or otherwise effectively protected against corrosion.
- (2) No water soluble adhesive tape or other similar material shall be used to display or secure any advertising sign elsewhere than on a hoarding or within a fixture referred to in Clause 4(1)(d).

29. Signs Requiring Electricity with Power Cables and Conduits

- (1) Every power cable and conduit containing electrical conductors for the operation of a sign shall be so positioned and fixed that it is not unsightly.
- (2) No advertising sign or hoarding shall be connected to any electricity supply without the prior written permission of the relevant electricity supply authority. Such proof of permission shall be submitted if requested.
- (3) All signs, including those referred to in Clause 4, that require an electrical supply must be applied for in terms of Clause 2(1).

30. Erection and Maintenance of Advertising Signs and Hoardings

- (1) If, in the opinion of the Council, any advertising sign or hoarding is in a dangerous or unsafe condition or has been allowed to fall into a state of disrepair or interferes with the functioning of any road traffic sign, the Council may serve a notice on an owner requiring him at his own cost, to remove the sign or hoarding or do other work specified in the notice within a period so specified.
- (2) The Council may, if in its opinion an emergency exists, instead of serving notice in terms of sub-clause (1) or is such not has not been complied with within the period specified therein, itself carry out the removal of a sign or advertising hoarding or do any other work which it may deem necessary and may recover the cost thereof from the owner referred to in sub-clause (1).

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

31. National Buildings Regulations

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

32. Charges

- (1) Every person who applies to the Council for its approval or permission shall on making application pay to the Council the charge determined there for and no application shall be considered until such charge has been paid.
- (2) The fines and penalties for offences in terms of Clause 34 are set out below:
- a. Upon conviction of an offence, the guilty party shall be liable to a fine not exceeding R15 000.00 or, in default of payments, to imprisonment for a period not exceeding twelve (12) months;
 - b. In the case of a continuing offence, the guilty party shall be liable to a further fine not exceeding R1 000.00 for every day during the continuance of such offence.
- (3) The cost involved for the removal of unauthorised posters by Council, which cost shall be recovered from the owner of such unauthorised poster(s), will be:
- a. Per poster (un pasted) R100.00
 - b. Per poster (pasted) R500.00
 - c. Per poster (fly poster) R1 000.00
 - d. Saturdays relevant charge plus 50%
 - e. Sundays relevant charge plus 100%
- (4) Spot fines to a maximum of R5 000.00 may be served by duly authorised officials of the Council on offenders for any contravention or failure to comply with the terms of these By-laws.
- (5) Any signs or advertising boards which have been removed and impounded but not destroyed by the Council as a result of them not complying with these By-laws may be released to the original owner at the following rates:
- a. Transit advertising signs may be released at the cost of removal with a minimum fee of R500.00 plus R100.00 per square meter of advertising display or part thereof;
 - b. For all other signs the charge will be the cost of removal with a minimum of R500.00 plus R50.00 per square meter of advertising display or part thereof;
 - c. Signs removed and not released within three (3) months shall be disposed of by the Council.

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33. Damage to Council Property

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

34. Entry and Inspection

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

35. Offences

Any person who:

- (a) Contravenes or fails to comply with any provision of these By-laws;
- (b) Contravenes or fails to comply with any requirement set out in a notice issued and served to him in terms of these By-laws
- (c) Contravenes or fails to comply with any condition imposed in terms of these By-laws;
- (d) Knowingly makes a false statement in respect of any application in terms of these By-laws, shall be guilty of an offence and shall on conviction be liable to a fine or imprisonment as set out in Clause 32(2)(a), and in the case of a continuing offence to a fine, as set out in Clause 32(2)(b) for every day during the continuation of such offence after a written notice has been issued by the Council requiring discontinuance of such offence, and for a second or subsequent offence he shall be liable on conviction to a fine or imprisonment as set out in Clause 31(1)(a).

36. Presumptions

If any person is charged with an offence referred to in Clause 35 relating to any design, advertising hoarding or poster:

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

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37. Removal of Advertising Signs or Hoardings

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

the Council may, without serving any notice or obtaining a Court Order, remove or cause to be removed any such advertising sign or hoarding.

38. Serving of Notices

Where any notice or other document is required by these By-laws to be served on any person, it shall be deemed to have been properly served if served personally on him or any member of his household apparently over the age of sixteen (16) years at his place of residence or any person employed by him at his place of business, or if sent by registered post to such person's residential or business address as it appears in the records of the Council, or if such person is a company or closed corporation or a trust, if served on any person employed by that company, closed corporation or trust at its registered office or sent by registered post to such office. Any verbal request for action to be taken in terms of these By-laws shall be confirmed in writing.

39. Appeals

- (1) An applicant or objector who is aggrieved by the Council's decision may appeal against that decision and shall give written notice of the appeal including the grounds of appeal to the Municipal Manager within twenty one (21) days of the date of the notification of the decision in terms of Clause 2(8).
- (2) A Committee of Councillors who were not involved in the original decision will be the appeal authority.

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- (3) Such appeal authority must commence with such an appeal within six (6) weeks from date of the Notice of Appeal and decide the appeal within a reasonable period.

40. Repeal of By-laws

- (1) The Bylaws relating to the control of advertising for the Mandeni Municipality are to become effective on promulgation.
- (2) Anything done under or in terms of any provision repealed by these Bylaws shall be deemed to be done under the corresponding provisions of these Bylaws and such repeal shall not affect the validity of anything lawfully in existence prior to the promulgation of these Bylaws.
- (3) Any advertising signs in existence at the time of promulgation of these Bylaws that have not been approved in writing by the Council, shall be deemed to be unlawful. The person/s displaying such advertising sign/s shall be given a period of ninety (90) days from the date of promulgation of these Bylaws to make application for such advertising sign/s; failing which the advertising sign/s will be deemed to be unauthorised and as such removed without further notice.
- (4) Any application submitted to Council, anything done which was not done in terms of a provision repealed by these Bylaws, and/or any application or anything pending before the Council prior to promulgation of these Bylaws, shall be dealt with in terms of these Bylaws.

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Municipal Manager
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PN 44/2010

No. 3

12 January 2011



MANDENI MUNICIPALITY



Dr M.B. Ngubane, Municipal Manager: Mandeni Municipality

PN 47/2010

Waste Management By-Laws

March 2010

**MANDENI LOCAL MUNICIPALITY
WASTE MANAGEMENT BY-LAWS****March 2010****CONTENTS**

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CHAPTER 1: DEFINITIONS

1. For the purposes of these By-laws, unless the context otherwise indicates:
 - (1) **"bin"** means a standard type waste bin with a capacity between a minimum of 85 litres and a maximum of 100 litres, or a standard type wheelie bin with a maximum capacity of 240 litres;
 - (2) **"bin liner"** means a disposable plastic bag provided by the Municipality or approved by the Waste Management Officer with a storage capacity between a minimum of 85 litres and a maximum of 100 litres;
 - (3) **"building and demolition waste"** means waste, excluding hazardous waste, produced during the construction, alteration, repair or demolition of any structure, and includes rubble, earth, rock and wood displaced during that construction, alteration, repair or demolition;
 - (4) **"bulky waste"** means waste, other than industrial waste, hazardous waste, building and demolition waste or health care risk waste, which cannot by virtue of its mass, shape, size or temporary extraordinary generation be conveniently or practically stored in a container;
 - (5) **"business waste"** means waste; excluding garden waste, bulky waste hazardous waste and any waste collected separately for re-use or recycling; that emanates from premises or facilities that are used wholly or mainly for commercial, retail, wholesale, entertainment, administration purposes, or an accommodation establishment as defined in section 1 of the , Tourism Act (Act 72 of 1993);
 - (6) **"confidential information"** means trade, business or industrial information that belongs to a person, has a particular economic value, and is not generally available to or known by others;
 - (7) **"container"** means a disposable or re-usable vessel in which waste is placed for the purposes of storing, accumulation, handling, transporting, treating or disposing of that waste, and includes bins, bin-liners and skips;
 - (8) **" Council "** means the council of the Mandeni Local Municipality and its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws;
 - (9) **"disposal"** means the burial, deposit, discharge, abandoning, dumping, placing or placing of any waste into, or onto, any land;
 - (10) **"disposal facility"** means a facility or site for the disposal of waste; including any landfill site, forwarding facility, transfer facility, drop-off centre or container yard used partially or solely for disposal of waste, and which is owned by the Municipality or has been approved for the purpose by the Waste Management Officer;
 - (11) **"domestic waste"** means waste; excluding garden waste, bulky waste hazardous waste and any waste collected separately for re-use or recycling;

that emanates from premises that are used wholly or mainly for residential, educational, health care, sport or recreational purposes;

- (12) **"garden waste"** means waste which is generated as a result of normal gardening activities on any premises, such as grass cuttings, leaves, plants, flowers, weeds, clippings of trees, hedges or fences and other similar small and light matter;
- (13) **"hazardous waste"** means any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics of that waste, have a detrimental impact on health and the environment;
- (14) **"health care risk waste"** means hazardous waste originating at a health care facility which includes, but is not limited to:
 - (a) "infectious waste", i.e. waste that may contain pathogenic micro-organisms;
 - (b) "sharps", i.e. sharp and pricking objects that may cause injury as well as infection;
 - (c) "pathological waste", i.e. parts that are sectioned from a body;
 - (d) "chemical waste", i.e. all kinds of discarded chemicals, including pharmaceuticals that pose a special risk to human health and environment; and/or
 - (e) "radioactive waste" i.e. solid, liquid and gaseous waste contaminated with radionuclides;
- (15) **"inert waste"** means waste that does not –
 - (a) undergo any significant physical, chemical or biological transformation;
 - (b) burn, react physically or chemically biodegrade or otherwise adversely affect any other matter or environment with which it may come into contact; and
 - (c) impact negatively on the environment, because of its pollutant content and because the toxicity of its leachate is insignificant;
- (16) **"industrial waste"** means waste (in solid form) generated as a result of manufacturing, maintenance, fabricating, processing or dismantling activities, but does not include building and demolition waste, business waste, hazardous waste, health care risk waste, domestic waste, garden waste, or waste collected separately for re-use or recycling;
- (17) **"licensed disposal facility"** means a disposal facility which has been licensed in terms of section 19 and 50 of the Waste Act or which in terms of section 80 of the Waste Act may continue to operate under a license issued under the Environmental Conservation Act (Act 73 of 1989);
- (18) **"licensed incinerator"** means a disposal facility which uses an incinerator for incineration of waste which has been licensed in terms of section 19 and 50 of the Waste Act or which in terms of section 80 of the Waste Act may

continue to operate under a license issued under the Environmental Conservation Act (Act 73 of 1989);

- (19) **"Medical Officer of Health"** means the person who from time to time is appointed to such position either substantively or in an acting capacity by the Council or by the iLembe District Municipality and includes any Deputy Medical Officer of Health so appointed;
- (20) **"occupier"** means:
- (d) any person in actual occupation of premises without regard to the title under which he or she occupies, if any; or
 - (e) the owner of unoccupied premises; or
 - (f) the owner of premises at which the owner permits occupation by more than one occupant; or
 - (g) the owner in cases where the occupants fail to fulfil their obligation in terms of these By-laws;
- (21) **"owner"** in relation to premises means:
- (a) the person who from time to time is registered as such in a deeds registry as defined in the Deeds Registries Act, 1937 (Act 47 of 1937); or
 - (b) in cases where such person is insolvent or diseased, or is under any form of legal disability whatsoever, the person in whom the administration of his property is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative; or
 - (c) where a sectional title register has been opened in terms of section 12 of the Sectional Titles Act, 1986 (Act 95 of 1986), the body corporate as defined in that Act; and
 - (d) includes any persons receiving rent for such premises whether on his own account or as a agent for a person entitled thereto;
- (22) **"premises"** means any premises which are located within the area of jurisdiction of the Municipality;
- (23) **"priority waste"** means any waste which in terms of section 14 of the Waste Act has been declared as such by notice in the Government Gazette or the Provincial Gazette of KwaZulu-Natal;
- (24) **"recycle"** means a process where waste is reclaimed for further use, which process involves the separation of waste from a waste stream further use and the processing of such separated material as a product or raw material;
- (25) **"residential"** means used for the purpose of human habitation, but excludes use of accommodation establishment as defined in section 1 of the Tourism Act, 1993 (Act 72 of 1993);
- (26) **"re-use"** means to utilise articles from the waste stream again for a similar or different purpose without changing the form or properties of the article;

- (27) **"skip"** means a large bulk container which is temporary stored on premises for collection of wastes;
- (28) **"tariff charge"** means the appropriate charge as set out in the tariff of charges adopted by resolution of the Council from time to time;
- (29) **"waste"** means any substance defined as such in terms of the Waste Act;
- (30) **"Waste Act"** means the National Environmental Management: Waste Act (Act No. 59 of 2008)
- (31) **"Waste Management Officer"** means the officer who in terms of section 10(3) of the Waste Act is designated in writing by the Council to be responsible for coordinating matters pertaining to waste management in the Municipality; and includes any other official to whom a power delegated or a duty assigned to the Waste Management Officer has been subdelegated or further assigned in writing by the Waste Management Officer in terms of section 10 (4) of the Waste Act ;
- (32) **"waste service provider"** means any service provider who renders a service with regards to the treatment, segregation, collection, removal, transportation, recycling and/or disposal of waste which was generated on premises which are not owned or operated by the service provider.

CHAPTER 2: PURPOSE OF BY-LAW

- 2. (1) The purpose of these By-laws is:
 - (a) to promote the achievement of a safe and healthy environment for the benefit of the residents in the area of jurisdiction of the Council;
 - (b) to provide for procedures, methods, practices and standards to regulate the disposal of solid waste and the removal thereof within the area under the jurisdiction of the Council;
 - (c) to give effect to sections 9(1), 9(3), 10(3), 24 and other sections of the Waste Act that relate to the Municipality's executive authority to deliver waste management services; and
 - (d) to promote compliance with the Waste Act.
- (2) These By-laws must be read with the Waste Act.

CHAPTER 3: COUNCIL ROLE AND WASTE SERVICE PROVISION

Council services for collection, removal and disposal of waste

3. (1) The Council shall provide services for the collection, removal and disposal of domestic and business waste from premises in terms of these By-laws and in areas and in a manner determined by the Council.
- (2) The Council may, at its sole discretion, provide services for the routine collection, removal and disposal of garden and recyclable waste from any premises in any areas for which services are rendered in terms of subsection (1).
- (3) The Council may, at the request of an occupier of premises and at the sole discretion of the Waste Management Officer, render services for bulk collection, removal and disposal of any garden waste, bulky waste, building and demolition waste and recyclable waste from such premises.
- (4) The Council may, at the request of an occupier of premises and at the sole discretion of the Waste Management Officer collect, remove or dispose of any industrial or hazardous waste from any premises, subject to the Council having made specific contractual arrangement with the occupier or owner of the premises to do so.
- (5) Any services rendered in terms of subsections (1) to (4) are subject to these By-laws and subject to payment of the applicable tariff charge(s) by the occupier of the premises.
- (6) The Council may, at its sole discretion, exempt an occupier, or occupiers within a specified area, to whom services are provided in terms of subsection (1), (2), (3) or (4), from paying the applicable tariff charge(s) for a specified period of time, by issuing a written notice to the occupier or by public notice.

Council engagement and responsibilities with regards to waste service providers

4. (1) The Council may contract a waste service provider who has been registered in terms of section 12(1)(c) of these By-laws to provide any specific waste service the Municipality may require.
- (2) Any service which a waste service provider renders in terms of subsection (1) shall, in terms of these By-laws, be deemed to have been rendered by the Council.
- (3) The Waste Management Officer shall keep and maintain a register of all waste service providers registered in terms of section 12(1)(c).

Council notices and guidelines

5. (1) The Council may publish notices and guidelines from time to time as may be necessary with regards to any aspects or impacts concerning waste management within the Council's area of jurisdiction.
- (2) The Waste Management Officer shall upon reasonable request make available information published in terms of subsection (1) or give direction as to where such information can be viewed or obtained.

Council powers related to waste management

6. (1) The Waste Management Officer may serve a written notice to a person, including but not limited to an occupier or waste service provider, who in his opinion does not comply with the Waste Act or these By-laws, and give directions as to any aspect of the generation, treatment, storage, keeping, handling, transportation or disposal of any waste, provided such directions are in compliance with all relevant legislation, including these By-laws.
- (2) The Council may, subject to the provisions of section 192 of the Local Authorities Ordinance, 1974 (Ordinance 25 of 1974), treat, collect, remove, store, keep, handle, transport and/or dispose of any waste from any premises or public place, in order to remedy any damage, remediate any impact or to abate any nuisance, where, in the opinion of the Waste Management Officer, such waste poses or may potentially pose an immediate and unacceptable health, safety or environmental risk; or if a person has failed to comply with any direction given in terms of subsection (1);
- (3) The Council may in addition to any applicable tariff charge, recover all costs incurred as a result of it acting under subsection (2) from the occupier of the relevant premises.
- (4) The Waste Management Officer may, at his/her discretion and having regard of the impact or potential impact of a waste or a waste management activity, –
- (a) serve an occupier, or waste service provider who operates within the area of jurisdiction of the Council, with a notice to provide him/her with information and/or a waste management plan related to such waste or activity for which the occupier or waste service provider is responsible, as the case may be;
 - (b) specify the information to be provided, the format in which such information is to be provided and the time by which and frequency at which such information is to be provided in terms subsection (a);
 - (c) specify that the information provision contemplated in terms of subsection (b) be in the form of information or a copy of a waste management plan, which is required by law or initiative of another authority; and
 - (d) use or publish any information provided in terms of subsection (a) for research and analysis of any waste management aspect or impact, integrated waste management planning, and/or public comment; unless the information is regarded as confidential information, in which case the consent of the owner of that information is required prior to such use or publication.

CHAPTER 4: OCCUPIERS' DUTIES

General duties of occupiers

7. (1) The occupier of premises shall comply with all relevant legal requirements, including these By-laws, with regards to the generation, treatment, storage, keeping, handling and disposal of any waste.
- (2) Requirements contemplated in subsection (1) specifically includes but are not limited to –
- (a) the general duty in respect of waste management in terms of section 16 of the Waste Act;
 - (b) the general duty in respect of reduction, re-use, recycling and recovery of waste in terms of section 17 of the Waste Act;
 - (c) the requirements and standards imposed on waste management activities in terms of section 19 and 20 of the Waste Act; and
 - (d) the general requirements for storage of waste in terms of section 21 and 22 of the Waste Act.
- (3) Every occupier of premises upon which any solid waste is generated, kept or stored, shall in compliance the Waste Act and section 15 of these By-laws –
- (a) make provision for the safe keeping or storage of such waste until collection or removal thereof from the premises; and
 - (b) ensure that no such waste accumulates on the premises in such a manner or to such an extent as to cause litter, odour, unacceptable visual impact, or any other nuisance; or a potential health, safety or environmental risk.
- (4) The occupier of any premises on which compactable and loose waste of any kind is produced, kept, or accumulated, shall, when necessary or required thereto under notice in writing from the Waste Management Officer, tie up securely or cause to be tied up securely, or compact such waste into bales or bundles of convenient size subject to such specifications as the Waste Management may provide.

Occupier's duty with regards to domestic and business wastes

8. (1) The occupier of premises shall make use of the services contemplated in section 3(1), for all domestic waste or business waste generated on such premises, unless –
- (a) the premises on which such waste is generated is located in an area for which the Council has not formally implemented a waste removal service; or

- (b) the occupier of a premises, has received formal written approval from the Waste Management Officer to use specified alternative services for the collection and removal of such waste for a period specified in the said approval and under conditions determined by the Waste Management Officer ; or
- (c) the premises on which such waste is generated is located in an area which the Council has specifically and by public notice declared to be an area in which the occupier of a premise is permitted to use alternative services for the collection and removal of such waste for a specified duration and under conditions determined by the Council.

Occupier's responsibilities when appointing a waste service provider

9. (1) No occupier shall employ a person, who is not registered in terms of section 12(1)(c), to provide a waste service for the collection, removal or disposal of any waste from or at the occupier's premises.
- (2) Every occupier, who intends to engage the services of a waste service provider for the collection, removal or disposal of waste from his premises, shall ensure that such waste is collected and removed in terms of the provisions of these By-laws within a reasonable time, but not later than 90 days after the generation thereof or any other date to which the Waste Management Officer has agreed in writing.

Occupier's responsibilities with regards to notification of change

10. (1) Whenever there is a change in the occupation or ownership of premises, the new occupier, who is liable in terms of section 8 to comply with the requirements of that section, shall forthwith notify the Waste Management Officer in writing of such change within 14 days of such change.
- (2) The occupier of premises, who is liable to comply with the requirements of section 8, shall notify the Waste Management Officer in writing of any change in the nature of the use to which such premises are put or any change in the nature, mass or volume of waste generated thereon, which in any way affects or may affect the application of these By-laws or the tariffs for any service rendered by the Council in terms thereof.
- (3) Every occupier of new premises or premises on which the generation of domestic or business waste is about to be commenced, shall prior to the commencement of the generation of such waste notify the Waste Management Officer in writing –
- (a) that the premises are being occupied;
 - (b) whether business waste or domestic waste will be generated on the premises; and
 - (c) what number of households or businesses will occupy the premises.

- (4) The occupier of premises, who in terms of this section are required to notify the Waste Management Officer, shall do so by furnishing him with such information and in such a form as the Waste Management Officer may prescribe.

Occupier's liabilities in terms of served notices

11. (1) Every occupier who has been served a notice in terms of section 6(1) shall be liable to comply with all the directions given therein.
- (2) Every occupier who has been charged tariffs or issued an invoice in terms of section 6(3) is liable to the Council for payment thereof.

CHAPTER 5: WASTE SERVICE PROVIDER BY-LAWS

General duties and registration of waste service providers

12. (1) Any waste service provider who operates within the area of jurisdiction of the Council; or who owns or operates a facility used for any waste service operations; may only do so subject to –
- (a) compliance with any relevant legislation, including but not limited to the waste management standards and licence requirements in terms of section 20 of the Waste Act;
 - (b) compliance with the provisions of these By-laws; and
 - (c) being registered as a waste service provider with the Waste Management Officer, for the provision of any waste service or related operation, subject to such registration coming into affect after 12 month of the date of publication of these By-laws.
- (2) Registration in terms of subsection (1)(c) shall be made by –
- (a) furnishing the Waste Management Officer with such information and in such a form as the Waste Management Officer may prescribe; and
 - (b) payment of any administration fee as the Waste Management Officer may publish from time to time.
- (3) Registration contemplated in terms of subsection (1)(c) may be granted or refused or withdrawn at the discretion of the Waste Management Officer and shall be subject to such conditions, whether as to period of validity, the type of waste which may be dealt with there under, the premises from where waste may be collected, or otherwise, as the Waste Management Officer may impose.
- (4) A person who is not registered as a waste service provider in terms of subsection (1) or whose registration has expired or has been withdrawn or who is unable to meet the conditions imposed by the Waste Management

Officer as contemplated in subsection (3), shall not hold himself out to be, or act as, a waste service provider within the Council's area of jurisdiction.

- (5) Every waste service provider registered in terms of subsection 1(c) shall –
- (a) maintain any vehicle, equipment, facility and site used for treating, collection, removal, transporting, keeping, storing and disposal of waste in reasonably hygienic condition and in good working order;
 - (b) keep records of all quantities and associated classification of any waste he/she treated, collected, transported, stored for longer than 90 days, or disposed of; and shall retain such records and any landfill disposal facility consignment notes for a period of at least 3 years;
 - (c) provide the Waste Management Officer with copies of the records contemplated in subsection (b) on at least an annual basis, or at such other frequency as the Waste Management Officer may require;
 - (d) shall progressively contribute to and participate in activities associated with the recycling of any recyclable waste and shall, on an annual basis, provide the Waste Management Officer with a plan to do so; and
 - (e) make available himself; or any premises or equipment he uses for his business and/or any information regarding any aspect of waste service he provides within the area of jurisdiction of the Council, for auditing by the Waste Management Officer or any person contracted by him to do so.

Prohibition of removal of waste

13. (1) No person may remove waste from any premises unless he is the lawful occupier of the premises; or has been specifically appointed or instructed by occupier or the Council or the Medical Officer of Health to do so.

CHAPTER 6: CONTAINERS AND CONTAINER MANAGEMENT

Occupier's duties with regard to container management

14. (1) Every occupier referred to in section 8(1) shall, provide on his premises such number of containers as is adequate and suitable for the purpose of the temporary safe storage of all domestic and business waste as may be generated on his premises pending its removal and shall place and keep the relevant waste in such containers and in such a manner until its removal.
- (2) Every occupier of premises on which industrial, hazardous waste or building and demolition waste is generated shall, provide on his premises such number and type of containers as is adequate and suitable for the purpose of the temporary safe storage of such waste pending its removal; unless the waste is of such nature or quantity that it can not be reasonably containerised.

- (3) Any occupier referred to in subsection (1) or (2) shall ensure that all containers that are in use are -
- (a) placed in a location which is safe and suitably accessible for its intended use and removal; and which is not visible from any street or other public place, unless the latter is not reasonably practical or the Municipality has approved of another placement, or the container has been placed on a day for collection on the same day or subsequent day;
 - (b) maintained in a sound and serviceable condition and that any containers which are no longer capable of being so maintained are replaced;
 - (c) kept reasonably clean and hygienic; and
 - (d) kept closed, covered or maintained in a manner that would prevent displacement of its content and emission of odours, fumes, dust or any other nuisance.

Containers provided by the Council

15. (1) The Council may at its sole discretion –
- (a) supply to occupiers of premises, as part of the services in terms of section 3(1), containers which the Waste Management Officer, at his/ discretion, considers more appropriate for the collection, storage and removal of waste than containers referred to in section 14(1), if any; or
 - (b) supply occupiers of premises with containers for the specific use of specified recyclable waste or garden waste; or
 - (c) provide any occupier of premises, at the occupier's request, with bins or skips for temporary storage of any specified waste subject to payment by the occupier of the applicable tariff charge ; or
 - (d) provide communities with containers in the form of bins or skips at strategically placed locations on Council property, or by written consent from an occupier on his/her premises, for communal use and collection of specific waste subject to the applicable tariff charge.
- (2) The provisions of these By-laws shall mutatis mutandis apply to containers supplied in terms of subsection (1) as if they were containers referred to in section 14(1), provided that –
- (a) such containers shall remain the property of the Council or Council appointed waste service provider, and may at any time either be replaced or removed by the Council; and
 - (b) in the event of their removal for a purpose other than one of a temporary nature, the occupier shall forthwith comply with the requirements of section 14(1).
- (3) The occupier or owner of premises shall be responsible for the safekeeping of any containers supplied to his premises in terms of subsection (1) and shall be liable to the Council for the loss thereof or any damage thereto except such as

has been caused by the Council, or except where such a container is a disposable bin liner.

- (4) Where, in terms of subsection (1) and in areas specified by the Waste Management Officer, the Council supplies occupiers with containers in the form of bin liners as part of the Council's routine waste collection and removal services contemplated in terms of section 3(1), the occupier in such an area shall –
- (a) use such bin liners exclusively for storing of the specific waste for which the bin liners are specified and intended;
 - (b) ensure that any glass or sharp object that may damage the bin-liner or may cause an injury to any person while carrying out a duty in terms of the Municipality's services, is separately wrapped before placement in the bin-liner; and
 - (c) purchase any bin-liners the occupier may require in addition to the bin-liners which the Council provides, for storing of waste intended for collection by the Council, provided that such bin liners meet any specification which the Waste Management Officer may publish from time to time.

Prohibited use of containers

16. (1) No container supplied by the Council in terms of section 15(1) may be used for –
- (a) any purpose other than the intended storage of the specified waste;
 - (b) disposal or keeping of any hazardous substances at any time, unless the container is specifically intended and conspicuously and legibly labelled for such use;
 - (c) disposal or keeping of any waste, substance or object which may damage the container or which may cause an injury or harm to any person while carrying out a duty in terms of the Council's services provided for in these By-laws;
 - (d) disposal or keeping of any material, including any liquid, which by reason of its mass or other characteristics is likely to render such containers unreasonably difficult to handle or carry by any person while carrying out a duty in terms of the Council's services provided for in these By-laws
 - (e) disposal of hot ash or lighting a fire in.
17. (1) No person shall dispose of any waste, substance or item in a container –
- (a) which is located on any premises; unless such person is the occupier of the premises, or has approval from the occupier or owner of the premises to do so, or the container has been specifically placed in a public space for such disposal; or

- (b) which the Council has provided in terms of section 15(1)(d); unless such person occupies premises within the community for which the container is intended.
- 18. (1) No person shall remove any waste, substance or item from a container which is located on any premises; unless such person is the occupier of the premises, or has approval from the occupier or owner of the premises to do so, or where such removal forms part of a waste service provided by the Council.

CHAPTER 7: ROUTINE COLLECTION AND REMOVAL OF WASTE

Determination and notification of Council routine services

- 19. (1) The Waste Management Officer shall, for services contemplated in terms of section 3(1), and from time to time –
 - (a) determine the manner in which, the week day or days upon which, and the frequency at which waste is to be removed from a certain area; and
 - (b) notify affected occupiers of the arrangements contemplated in subsection (a) by way of written notices distributed to the relevant premises, or by way of notice boards displayed conspicuously at the main entrance roads to the affected areas at least seven (7) days prior to such arrangement coming into effect.

Duty of occupiers in terms of use routine services

- 20. (1) Every occupier of premises, within an area and on the day or days which have been determined in terms of subsection (1), and –
 - (a) to whom in terms of section 15(1) and subject to 15(4) bin liners have been supplied, shall make exclusive use of such bin liners to place any waste for which the bin liners are intended outside the boundary of the premises and adjacent to either the pedestrian or the vehicular access to the premises from a public street; or
 - (c) to whom containers have been supplied in terms of section 15(1) or who uses containers in terms of section 14(1) and where such a container is in the form of a bin, shall place such a container immediately outside the boundary of the premises and adjacent to either the pedestrian or the vehicular access to the premises from a public street; or
 - (d) to whom containers have been supplied in terms of section 15(1) or who uses containers in terms of section 14(1), and/or whose domestic or business waste is to be collected from the premises by the Council in terms of specific agreement with or direction from the Waste Management Officer, shall provide suitable and convenient vehicular

access to the area in which waste containers are stored for the emptying or collection and removal of such containers, as the case may be, subject to section 22.

21. Every occupier of premises, on which any waste other than domestic or business waste is generated, and where such waste is generated on an ongoing or regular basis, shall dispose of such waste in accordance with these By-laws; and make arrangements with the Council or a waste services provider who has been registered in terms of section 12(1)(c), for the regular or routine collection, removal and disposal of such waste.

CHAPTER 8: ACCESS TO PREMISES

22. (1) The occupier of premises to which the Council provides a waste removal service, shall, where necessary, grant the Council convenient access to the premises for the purpose of collecting and removing waste and shall ensure that nothing obstructs, frustrates or hinders the Council and its employees in the carrying out of its service.
- (2) If in the opinion of the Waste Management Officer the collection or removal of waste from any premises is likely to result in damage to the premises or the Council's property, or injury to the waste collectors or any other person, it may as a condition of rendering a waste collection service in respect of the premises, require the occupier to indemnify it in writing in respect of any such damage or injury or any claims arising there from.
- (3) The Council may, at its own discretion, include standard access specification for waste collection and removal as part of their planning and building plan approval.

CHAPTER 9: GARDEN AND BULKY WASTE

Additional responsibilities for garden and bulky waste

23. (1) The occupier of every premises upon which there is generated garden waste (other than garden waste which in terms of section 24(1)(a) is used for making compost at the premises) or bulky waste, and subject to these By-laws—
- (a) shall, ensure that such waste, is removed from the premises and disposed of within a reasonable time after the generation thereof;
- (b) shall, unless it is garden waste which is collected and removed from the premises by the Council in terms of the section 3(2) or section 3(3), ensure that such waste, once it has been removed from the premises on which it was generated, be disposed of at a site designated by the Council as a disposal facility for such waste; subject to meeting all the

- requirements the legal owners or operators of the disposal facility may prescribe and subject to payment of the relevant tariff charge; and
- (c) shall ensure that any such waste which is intended for disposal in terms of subsection (b) is transported to the disposal facility subject to section 30.

Use and disposal of garden waste

24. (1) The occupier of every premises upon which garden waste is generated –
- (a) may use such garden waste on the premises, or provide it to any person, for the making of compost, provided such composting does not cause a nuisance or health risk;
- (b) may collect such garden waste for removal in containers which the Council has in terms of section 15(1)(b) supplied to the occupier for such specific collection;
- (c) shall not dispose any garden waste in any container which the Council has, in terms of section 15(1), supplied to the occupier for use other than for collection of garden waste.

CHAPTER 10: BUILDING AND DEMOLITION WASTE

Additional responsibilities for building and demolition waste

25. (1) The occupier of premises on which building and demolition waste is generated and the person engaged in the activity which causes such waste to be generated shall ensure that:
- (a) all hazardous waste (including, but not limited to, asbestos-containing materials, mercury-containing fluorescent tubes and lamps, paints, thinners, fuel, polychlorinated biphenyls (PCB)-containing equipment or substances, and pesticides) be segregated from any building and demolition waste and be treated, kept, stored and/or disposed of in terms of these By-Laws and any other legal requirement, within a reasonable time after the generation thereof;
- (b) any waste which the occupier intends to recycle is segregated from any building and demolition waste and recycled in terms of section 39;
- (c) building and demolition waste is disposed of in terms of section 26 within a reasonable time after the generation thereof; and
- (d) until such time as building and demolition waste is disposed of in terms of subsection (c), such waste together with the containers used for the storing or removal thereof, if any, is kept on the premises on which it was generated.

- (2) Building and demolition waste may be removed by the builder; or occupier; or in terms of 3(3) by the Council; or subject to section 9 by a waste service provider.

Disposal of building and demolition waste

26. (1) Subject to the provisions of subsection (2), all building and demolition waste shall be deposited at a disposal facility specifically designated or approved in writing by the Council for that purpose and the person depositing the waste shall be liable to pay any relevant tariff or fee charge therefor.
- (2) Building and demolition waste may, with the written consent of the Waste Management Officer, be deposited at a place other than a disposal facility for the purpose of reclamation of land, landfill top cover, road surfacing or other purposes connected with such site, as the Waste Management Officer may specify.
- (3) Any consent given in terms of subsection (2) shall be subject to such conditions as the Waste Management Officer may deem necessary; provided that in giving or refusing his consent or in laying down conditions the Waste Management Officer shall have regard to:
- (a) the safety of the public;
 - (b) the environment of the proposed disposal facility;
 - (c) the suitability of the area including the drainage thereof;
 - (d) the expected manner and times of depositing of waste at the site;
 - (e) the levelling of the site;
 - (f) the control of dust; and
 - (g) other relevant factors.

CHAPTER 11: INDUSTRIAL WASTE, HAZARDOUS WASTE, HEALTH CARE RISK WASTE AND PRIORITY WASTE

Provision of information on industrial waste, hazardous waste, health care risk waste and priority waste

27. (1) The occupier of premises on which industrial waste, hazardous waste, health care risk waste and/or priority waste is generated shall notify the Waste Management Officer of such production; and shall within twelve months of publication of these By-laws and on an annual basis thereafter, provide the Waste Management Officer in writing, and for every waste stream or type, with detailed information on:
- (a) the classification of the waste produced, where this classification shall be in accordance with the SANS 10228 (SABS 0228): *The identification and classification of dangerous substances and goods*, or

- any amendment thereto, or a classification as may be regulated in terms of section 69(1) of the Waste Act;
- (b) the composition of the waste, as substantiated by an analysis certified by a suitably and duly qualified chemist or a South African National Accreditation System accredited laboratory;
 - (c) the quantity of waste generated;
 - (d) the method and period of keeping or storage of the waste;
 - (e) the method of removal, transportation and disposal of the waste;
 - (f) the persons appointed for the removal, transportation and disposal of the waste;
 - (g) the disposal facility which is used for the disposal of the waste; and
 - (h) documented proof of waste disposal at the disposal facility .
- (2) Having notified the Waste Management Officer in terms of subsection (1), the occupier shall notify the Waste Management Officer forthwith and in writing of any substantial change in the composition and quantity of the waste occurring thereafter.
- (3) Any occupier or waste service provider operating within the area of jurisdiction of the Council, who is required in terms of section 29 of the Waste Act to prepare an industry waste management plan, shall submit a copy of such a plan to the Waste Management Officer, at the time of submission of the plan to the relevant authority or prior to commencement of any activity for which the plan is required.

Prohibition of provision of waste service activities for industrial waste, hazardous waste, health care risk waste and priority waste

28. (1) The occupier of premises on which industrial waste, hazardous waste, health care risk waste and/or priority waste is generated, shall not (except where the waste is inert waste) allow any person to remove from the premises, transport, treat away from the premises, or dispose of any such waste, unless the person is a waste service provider who is registered in terms of section 12(1)(c) and who -
- (a) is in terms of sections 20 and 49(2) of the Waste Act specifically licensed to carry out such an activity; and
 - (b) applies all standards or requirements that have been set in terms of the Act or a relevant waste management licence; or
 - (c) acts under specific instructions of or notifications by the Waste Management Officer or the Medical Officer of Health to carry out such an activity.

The Waste Management Officer's right to enter premises on which industrial waste, hazardous or health care risk waste is generated

29. (1) The Waste Management Officer may, subject to the provisions of section 192 of the Local Authorities Ordinance, 1974 (Ordinance 25 of 1974), enter premises at any reasonable time to ascertain whether industrial waste, hazardous waste, health care risk waste or priority waste is generated on such premises and may take samples and test any waste found on the premises to ascertain its composition;

CHAPTER 12: TRANSPORTATION OF WASTE

30. (1) Any person removing or conveying any waste or other offensive matter shall -
- (a) do so subject to compliance to any relevant legislation including, but not limited to, the National Road Traffic Act, Act No. 93 of 1996 and section 25 of the Waste Act ;
 - (b) do so by means of an appropriately licensed, constructed and enclosed vehicle;
 - (c) do so in such a manner as will comply with all legal requirements and as will prevent any nuisance arising from such conveyance or the escape of the contents there from to a public area or any other environment not intended for the keeping, storage or disposal of the waste;
 - (d) contain, collect and remove any content that accidentally escaped from a vehicle contemplated in subsection (a), immediately upon becoming aware of such accidental escape;
 - (e) contain any accidental escape of a hazardous object or any spillage or leakage of any hazardous substance immediately; secure the affected area appropriately to avoid injury and reduce the immediate health and environmental risk effectively; and report such incident to the appropriate emergency services and Waste Management Officer as soon as possible; and
 - (f) follow any instructions, specification or conditions of written notices for the removal of objects or substances contemplated in subsection (c) and remediation of the affected environment which the emergency services, the Waste Management Officer, the Medical Officer of Health, or any other relevant authority may give or impose.
- (2) The Waste Management Officer or Medical Officer of Health may serve a written notice upon any person restricting or stipulating the means to be adopted and specifying the times during which waste may be conveyed through or along any street or public place if of the opinion that the conveyance of such waste is likely to be objectionable or give rise to a nuisance, or health risk.

CHAPTER 13: PROHIBITED DISPOSAL AND CONDUCT AT DISPOSAL FACILITIES

Prohibitions on burning of waste

31. (1) No occupier of premises may within the area of jurisdiction of the Council, dispose of any waste through burning, unless –
- (a) a licensed incinerator is used for that purpose; or
 - (b) the waste is burned in an industrial facility that has been specifically designed to do so and/or which does not cause any hazard or offence, or generate any emissions, that are in contravention with any relevant legislation; or
 - (c) the waste consists of domestic waste generated in a rural area for which the Council has not formally implemented a waste removal service, where there is a lack of any other acceptable or affordable means of waste disposal, and where such waste may otherwise potentially constitute a health or safety risk; or
 - (d) the Waste Management Officer or Medical Officer of Health give specific instructions or written approval to do so.

Prohibited disposal at disposal facilities

32. (1) No person shall use any disposal facility within the area of jurisdiction of the Council to discharge or dispose of –
- (a) any waste, object or substance, unless the facility is specifically licensed and equipped for such disposal;
 - (b) any liquid or sludge waste, except with the prior written permission of the Waste Management Officer and in accordance with such conditions as the Waste Management Officer may impose; unless such disposal concerns normal domestic and sewage wastewater disposed into a municipal sewage system;
 - (c) any inflammable waste (i.e. waste which will ignite when exposed to a naked flame), putrescible waste, waste which will chemically attack the disposal facilities, and waste which separately or in a mixture with other waste will create a health hazard or a nuisance, unless specific provisions have been made for such disposal by the operator of the disposal facility, and provided such provisions are clearly labelled or signed as such;
 - (d) any waste with toxic or other harmful properties, unless it is suitably pre-treated prior to delivery to the disposal facility to render it non-toxic or harmless, or unless the disposal facility provides for the suitable treatment, keeping, storage and/or disposal of such waste; and
 - (e) any object that by its shape, size or characteristics could potentially cause injuries to any person operating or using the disposal facility or damage to the disposal facility, without taking precautions to prevent

such injury or damage; or inform the operator of such potential hazard prior to disposal and follow any instructions the operator may give.

Conduct at disposal facilities

33. (1) Every person who, for the purpose of disposing of waste, enters a disposal facility controlled by the Council, shall –
- (a) enter the disposal facility at an authorised access point indicated as such;
 - (b) present the waste for weighing or other means of quantification in the manner required by the legal operator of the disposal facility, if any;
 - (c) provide the legal operator of the disposal facility with all the particulars required in regard to the composition of the waste;
 - (d) follow all instructions which the legal operator of the disposal facility may give with regard to access to the actual disposal point, the place where and the manner in which the waste should be deposited; and
 - (e) provide the legal operator of the disposal facility with full information as to the person who is liable to pay the relevant tariff charge, if any, for the waste deposited to enable an account to be rendered to such person.
- (2) No person shall, with regards to any disposal facility controlled by the Municipality and unless the Council has specifically appointed such person to do so, –
- (a) enter such a disposal facility for any purpose other than the disposal of waste in terms of these By-laws;
 - (b) enter such a disposal facility at a time other than between such hours as the Council may determine from time to time;
 - (c) cause or allow a vehicle in such person's charge to remain at such a disposal facility for longer than is necessary for the discharge of waste;
 - (d) cause any damage to any facilities, plant or equipment at the disposal facility or property of any other user of the disposal facility;
 - (e) cause any obstruction to any other users or with regards to any operations of such a disposal facility, whether intentional or accidental; and
 - (f) bring any intoxicating liquor onto a disposal facility.

CHAPTER 14: OWNERSHIP OF WASTE

34. All waste removed by the Council and all waste on disposal facilities controlled by the Council shall be the property of the Council and no person who is not duly authorised by the Council to do so shall remove or interfere therewith.

CHAPTER 15: LITTERING, DUMPING AND ANCILLARY MATTERS***Littering***

35. (1) No person shall -
- (a) throw, let fall, deposit, spill or in any other way discard, any waste into or onto any public place, vacant erf, farm portion, stream or watercourse, other than into a container or onto a disposal facility specifically provided for the purpose;
 - (b) sweep any waste into a gutter, on a road reserve or any other public place; and
 - (c) allow any person under his/her/its control to do any of the acts contemplated in (a) and (b).

Dumping

36. (1) Subject to any provision to the contrary in the By-law contained, no person shall leave any item or substance under his control at a place where such item or substance has been brought with the intention of abandoning it.
- (2) Any person who contravenes the provisions of subsection (1), shall be liable (over and above the prescribed penalties provided for in section 40) to pay the Municipality the tariff charge in respect of such removal and disposal.

Abandoned items or substances

37. Any item or substance which, having regard to such factors as the place where it is found, the period it has been lying at such place, and the nature and condition of such thing, is reasonably regarded by the Council as having been abandoned, may be removed and disposed of by the Council as it may deem fit.

Liability of responsible person

38. (1) Where anything has been removed and disposed of by the Municipality in terms of section 37 the person responsible shall be liable to pay the Council the tariff charge in respect of such disposal.
- (2) For the purpose of subsection (1) the person responsible shall be -
- (a) the last owner of the abandoned thing, before it was collected by the Council, and shall include any person who is entitled to be in possession of the thing by virtue of a purchase agreement or an agreement of lease at the time when it was abandoned or put in the

place from which it was so removed unless such person can prove that he/she/it was not concerned in and did not know of it being abandoned or put in such a place; or

- (b) any person by whom it was put in the place aforesaid; or
- (c) any person who knowingly permitted the putting of the abandoned thing in the place aforesaid.

CHAPTER 16: WASTE MINIMISATION AND RECYCLING

39. (1) Any occupier of premises upon which any reusable or recyclable waste is generated, and which the occupier intends to make available for reuse or recycling, –
- (a) shall make provisions for the safe keeping or storage of such waste until collection and removal thereof from the premises, or recycling thereof on the premises;
 - (b) shall ensure that no such waste accumulates on the premises in such a manner or to such an extent as to cause litter, odour or any other nuisance or a potential health, safety or environmental risk, without treatment thereof that would render it reasonably harmless;
 - (c) may make use of the services which the Council provides in terms of sections 3(2) and/or 3(3) for the collection, removal and disposal of such waste for which the Council provides such service;
 - (d) may dispose of any such waste at any disposal facility which the Council may, at the discretion of the Council, specifically provide for the collection, storage or disposal of such waste, subject to any relevant tariff charge; and
 - (e) may make use of the services provided by a waste service provider who has registered in terms of 12(1)(c) and who specifically provides for the collection, removal and disposal of such waste for recycling.
- (2) The Waste Management Officer may include in the information required in terms of section 6(4)(a) information related to waste minimisation and recycling.

CHAPTER 17: OFFENCES AND PENALTIES

40. (1) Any person who -
- (a) contravenes any provision of these By-laws; or
 - (b) contravenes any conditions imposed upon the granting of any application, consent, approval, concession, relaxation, permit or authority in terms of these By-laws; or

- (c) fails to comply with the terms of any notice served upon such person in terms of these By-laws,

shall be guilty of an offence and liable, upon conviction, to a fine not exceeding R 5,000.00 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment, as well as be liable to the Municipality for the applicable tariff charge in respect of any remediation, treatment, removal and disposal.

- (2) Failure to comply with the terms of any condition or notice referred to in subsection (1)(b) or (1)(c) above shall constitute a continuing offence and a person failing to comply with the terms of such condition or notice shall be guilty of a separate offence for each day during which such person fails to comply with such terms.

CHAPTER 18: REVOCATION OF BY-LAWS

41. (1) The Removal of Refuse By-laws of the Township of Mandeni, published as section 2, section 3 and section 4 under the KwaZulu-Natal Provincial Gazette, Notice No.228, 1984, as amended, are hereby repealed, provided that such repeal shall not affect the continued validity of charges determined by the Municipality under those By-laws.
- (2) Any reference -
- (a) in these By-laws to a charge determined by the Municipality shall include a charge determined by the Municipality under the By-laws repealed by subsection (1), until the Municipality's determination of charges under these By-laws comes into operation; and
- (b) in a determination of charges made under the By-laws so repealed, to a provision in those By-laws shall be deemed to be a reference to the corresponding provision in these By-laws.
- (3) Anything done under the provisions of the By-laws repealed by subsection (1) shall be deemed to have been done under the corresponding provision of these By-laws and such repeal shall not affect the validity of any approval, authority, waiver or other act which at the commencement of these By-laws is valid under the By-laws so repealed.

CHAPTER 20: SHORT TITLE AND COMMENCEMENT

42. These By-laws are called the Waste Management By-laws and will take effect on the date of their publication in the Provincial Gazette.