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**Hu tshi katelwa na
Gazethe dza Nyingo**

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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 203

MAKHADO LOCAL MUNICIPALITY TRADING: STREET TRADING BY-LAWS

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1. Definitions

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

"Act" means the Businesses Act, 1991 (Act No. 71 of 1991), and includes the regulations promulgated under the Act;

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

"Council" means the Makhado Municipal Council and includes any committee or person to which or whom an instruction has been given or any power has been delegated or sub-delegated in terms of, or as contemplated in, section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) or a service provider in respect of any power, function or duty of the Council assigned by it for the purposes of these By-laws to that service provider in terms of Section 81(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

"foodstuff" means foodstuff as defined in section 1 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972); ^{*1}

"garden" means a garden to which the public has a right to access;

"goods" means any movable property;

"intersection" means intersection as defined in the regulations promulgated in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

"licence holder" means a person who is the holder of a licence referred to in Chapter 2;

"litter" means any object or matter which is discarded by a person;

^{*1} "foodstuff means any article or substance (except a drug as defined in the Drugs Control Act, 1965 (Act 101 of 1965) ordinarily eaten or drunk by a man or purporting to be suitable, or manufactured or sold, for human consumption, and includes any part or ingredient of any such article or substance, or any substance used or intended or destined to be used as a part or ingredient of any such article substance."

"motor vehicle" means a motor vehicle as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

"Municipal Manager" means municipal manager of Makhado Local Municipality;

"official" means a designated officer who is authorised by the Council to perform and exercise any or all of the functions and powers in these By-laws;

"park" means a park to which the public has a right to access;

"premises" includes any land, building, structure, part of a building or of a structure, or any vehicle, conveyance, vessel or aircraft;

"prescribed" means prescribed by the Council by resolution;

"property", in relation to a street trader, means goods in which a street trader trades, and includes any article, container, vehicle or structure used or intended to be used in connection with street trading by the street trader;

"public place" means a public place as defined in section 2 of the Local Government Ordinance, 1939 (Ordinance No 17 of 1939);

"public road" means public road as defined in section 1 of the National Road Traffic Act, 1996 (Act No.93 of 1996);

"roadway" means a public roadway as defined in section 1 of the National Road Traffic Act, 93 of 1996;

"sell" includes barter, exchange, hire out, display, expose, offer or prepare for sale, store with a view to sell, or provide a service for reward, and "sale" or "selling" has a corresponding meaning;

"sidewalk" means a sidewalk as defined in section 1 of the National Road Traffic Act, 93 of 1996;

"street furniture" means any furniture installed by the Council on the street for public use;

"street trader" means a person who carries on the business of street trading, and includes a person who carries on the business of street vendor, pedlar or hawker;

"street trading" means the selling of any goods or the supplying of or offering to supply any service for reward in a public road or public place by a street trader, and includes the taking up of a position or the placing of property or goods;

"verge" means a verge as defined in section 1 of the National Road Traffic Act, 1996 (Act 93 of 1996), and any words or expressions to which a meaning has been assigned in the Business Act, 1991, have a corresponding meaning in these By-laws.

(2) A single act of selling or offering or rendering of services in a public road or public place shall constitute street trading.

(3) A reference to a person carrying on the business of street trader includes the employee of the person.

2. Principles and objectives

The Council, acting in terms of section 6A(1)(a)(i) of the Businesses Act, 1991 (Act No. 71 of 1991) and-

- (a) having regard to the principles set out in the Act and in the Constitution; and
- (b) taking into consideration the need of the residents to actively participate in economic activities; and
- (c) taking into consideration the need to maintain a clean and healthy environment; and
- (d) striving to ensure that its residents are not exposed to and are protected against harmful food,

in these By-laws regulates street trading.

3. Application

These By-laws apply to all persons who carry on the business of the street trading within the area of jurisdiction of the Makhado Municipal Council.

4. Legislative framework

These By-laws fall within the legislative framework of the-

- (a) Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);
- (b) Health Act, 1977 (Act No. 63 of 1977);
- (c) Businesses Act, 1991 (Act No. 71 of 1991);
- (d) National Road Traffic Act, 1996 (Act No. 93 of 1996);
- (e) Constitution of the Republic of South Africa, 1996 (Act No.108 of 1996);
- (f) Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000);

- (g) Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

CHAPTER 1: GENERAL PROVISIONS APPLICABLE TO STREET TRADING

5. Restricted and prohibited areas

- (1) The Council may, in terms of section 6A(2)(a) of the Act and subject to the provisions of paragraphs (b) up to and including (j), by resolution declare any place in its area of jurisdiction to be an area in which street trading is restricted or prohibited.
- (2) The Council must be erected a sign in the area indicate such area, and the sign must indicate-
 - (a) the restriction of the prohibition against street trading; and
 - (b) if the street trading is restricted -
 - (i) the boundaries of the area or stand set aside for street trading;
 - (ii) the hours when street trading is restricted or prohibited;
 - (iii) the goods or services in respect of which street trading is restricted or prohibited; and
 - (c) that the area has been let or otherwise allocated, and the sign shall serve as sufficient notice to a street trader that street trading is restricted or prohibited in the area concerned.
- (3) The Council may, from time to time, amend the sign.
- (4) A person who carries on the business as street trader in contravention of the notice contemplated in subsection (2) commits an offence.

6. Places where street trading is prohibited

- (1) No person may, unless the Council has so permitted-
 - (a) in terms of an agreement; or
 - (b) by means of the display of a sign,
 carry on the business of a street trader in any of the following places:
 - (i) in a garden or a park to which the public has a right of access;
 - (ii) on a verge contiguous to-
 - (aa) a building belonging to, or occupied solely by, the State or the Council;
 - (bb) a church or other place of worship;
 - (cc) a building declared to be a public monument under the National Heritage Resources Act, 1999 (Act No. 25 of 1999).
- (2) No person may carry on the business of a street trader in any of the following places:
 - (a) In an area declared by the Council in terms of section 6A(2)(a)*² of the Act as an area in which street trading is prohibited;
 - (b) at a place where it obstruct the use of the side walk by pedestrians or interferes with the ability of persons using the side walk to view the goods displayed behind a shop display window or obscure such goods from view.
 - (c) within 5 metres of an intersection as defined in Regulation 322 of National Road Traffic Act, 1996 (Act No. 93 of 1996);
 - (d) at the place where it obstructs -
 - (aa) a fire hydrant;
 - (bb) the entrance to or exist from the building;
 - (cc) vehicular traffic;
 - (dd) access to pedestrian crossings, parking or loading bays or other facilities for vehicular or pedestrian traffic;
 - (ee) access to or the use of the street furniture and other facilities designed for the use of the general public;
 - (ff) or obscures a road traffic sign that is displayed in terms of the National Road Traffic Act, 1996;
 - (gg) or obscures a marking, notice or sign displayed or made in terms of these By-laws;

*2 "A local authority may, subject to the provisions of paragraphs (b) up to and including (j), by resolution declare any place in its area of jurisdiction to be an area in which the carrying on of the business of street vendor, pedlar or hawker may be restricted or prohibited."

- (e) that half of a public road contiguous to a building which is used for residential purposes, if the owner or person who is in control or any occupier of the building objects thereto;
- (f) on a portion of sidewalk or public place in contravention of a notice or sign erected or displayed by the Council for the purposes of these By-laws;
- (3) A person to whom an area or stand has been leased or allocated in terms of paragraphs 6A(3)(b) and (c) of the Act³ must -
 - (a) comply with conditions of the lease of allocation; and
 - (b) be in possession of written proof that Council has leased or allocated the area or stand to him or her,
 and such a person may not carry on the business of street trader in the area or stand if he or she does not comply with paragraphs (a) and (b).
- (4) A person who contravenes one or more of the provisions of this section commits an offence.

7. Duties of street trader

- (1) A street trader must-
 - (a) when he or she concludes business for the day, remove his or her property, except any structure permitted by the council, to a place which is not part of a public road or public place;
 - (b) when requested by an official of the Council or a by a person who has been authorized to provide municipal services, move his or her property so as to permit the official or other person to carry out any work in relation to a public road, public place or service;
 - (c) keep the area or stand occupied by him or her in a clean and sanitary condition;
 - (d) ensure that the area is free of litter, and must, when he or she concludes business for the day, dispose of litter generated by his or her business-
 - (i) at the dumping sites of the Council; or
 - (ii) in receptacles provided by the Council for the public;
 - (e) on request by an official of the Council, move his or her property so as to permit the cleansing of the area where he or she is trading;
 - (f) regarding the size and location of the area or stand occupied by him or her; must-
 - (i) ensure that the area which he or she uses does not exceed 6m² in size and not exceed 3 metres in length;
 - (ii) ensure that a space of not less than 1,5 metres is left between the wall of the shop (contiguous to which he or she conducts his or her business) and himself or herself; and
 - (iii) leave a space of not less than 0,5 metre from the kerb of the roadway.
- (2) A person who contravenes one or more of the provisions of subsection (1) commits an offence.

8. Prohibited conduct

- (1) A street trader -
 - (a) may not sleep overnight at the area where he or she is trading, or at the area where another street trader is trading;

³Notwithstanding the provisions of any other law. A local authority may-

- (a)
- (b) (i) set apart by resolution and demarcate stands on areas for the purposes of the carrying on the business of street vendor, pedlar or hawker on any public road the ownership or management of which is vested in the local authority or on any other property in the occupation and under the control of the local authority; and
- (ii) in like manner extend, reduce or disestablish any such stand or area;
- (c) by agreement let or otherwise allocate any stand or area demarcated under paragraph (b)(i) or otherwise established for such purposes.

- (b) may not place or stack his or her property in such a manner that it-
 - (i) constitutes a danger to any person or property; or
 - (ii) is likely to injure any person or cause damage to any property;
 - (c) may not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;
 - (d) may not lease onto a public road or public place or into a storm water drain of fat, oil or grease in the course of conducting his or her business;
 - (e) may not allow smoke, fumes, noise, smells, or other substance arising from his or her activities to cause a nuisance or pollution of any kind;
 - (f) may not erect a structure for the purposes of providing shelter;
 - (g) may not place his or her property on a public road or public place;
 - (h) who conducts his or her business from a vehicle, may not park the vehicle or trader in such a manner so as to obstruct pedestrian or vehicular traffic and must ensure that he or she complies with the provisions of the National Road Traffic Act, 1996 (Act No. 93 of 1996);
 - (i) may not use an area which exceeds 6m squared, with a maximum length 3 metres;
 - (j) may not place, on a public road or public place, his or her property that cannot be easily removed to a place of safety, which may not be a public road or public place, at the end of the day's business;
 - (k) may not display his or other property on or in a building, without the consent of the owner, lawful occupier or person in control of such building or property;
 - (l) may not attach an object by any means to a building, structure, sidewalk, tree, parking meter, lamp, pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or a public road or public place;
 - (m) may not carry on his or her business in such a manner as to -
 - (i) create a nuisance;
 - (ii) damage or deface the surface of a public road or public place or public or private property; or
 - (iii) create a traffic or health hazard;
 - (n) may not make an open fire that poses a health or environment hazard to any person or property or to street furniture;
 - (o) may not, other than in a refuse receptacle approved or supplied by the Council, accumulate, dump, store or deposit (or cause or permit this to be done) any litter on-
 - (i) any land or premises; or
 - (ii) any public road or public place or;
 - (iii) any public or private property
 - (p) may not store his or her property in a manhole, storm water drain, public toilet, and bus shelter or in a tree;
 - (q) may not carry on such business in a place or area in contravention of any prohibition or restriction approved by the Council in terms of section 6A(2)(a) of the Act.
- (2) A person who contravenes one or more of the provisions of subsection (1) commits an offence.

9. Removal and impoundment

- (1) An official-
- (a) if he or she reasonably suspects that property is being used or intended to be used in or in connection with street trading, and
 - (b) whether or not the property is in possession or under the control of any person, may-
 - (i) remove and impound the property which he or she finds at a place where street trading is restricted or prohibition; and
 - (ii) impound the property.
- (2) An official who acts in terms of subsection(1) must, except in the case of goods that have been left or abandoned, issue to the street trader a receipt for the property so removed and impounded and the receipt must contain the following particulars:
- (a) The address where the impounded property will be kept and the

- period thereof;
 - (b) the conditions for the release of the impounded property; and
 - (c) that unclaimed property will be sold by public auction.
- (3) If any impounded property is attached to immovable property or a structure, and the impounded property is under the apparent control of a person present at that place, an official may order the person to remove the impounded property.
 - (4) When a person fails to comply with an order to remove the impounded property, an authorized official may take such steps as may be necessary to remove the impounded property.
 - (5) Council is not liable for any loss of or damage to any property removed and impounded in terms of these By-laws.
 - (6) A person who hinders or obstructs an official in the performance of his or her duties under this section, or who refuses or fails to remove the object when ordered to do so by an official, commits an offence.

CHAPTER 2: SPECIFIC PROVISIONS APPLICABLE TO STREET TRADING IN MEALS OR PERISHABLE FOODSTUFFS

10. Applicable provisions

The provisions in this Chapter, in addition to the provisions in Chapter 1 and 3 of these By-laws and the provisions of the Business Act, 1991 (Act No. 71 of 1991) and any other applicable law, apply to street traders who sell meals or perishable foodstuffs.

11. Hawker's licence

- (1) No person, whether as principal, employee or agent may, unless the business is covered by a hawker's licence issued by the Council, carry on the business of selling any foodstuff in the form of meals or any perishable foodstuff-
 - (a) which is conveyed from place to place, whether by vehicle or otherwise;
 - (b) on a public road or at any other place accessible to the public; or
 - (c) in, or from a movable structure or stationary vehicle,
- (2) A person contemplated in (1) who wishes to obtain a hawker's licence must apply on the prescribed application form contained in Schedule 1, and submit the completed form at the office of the Municipal Manager.
- (3) After consideration of an application for a licence, the Council may-
 - (a) grant the licence if any apparatus, equipment, storage space, working surface, structure, vehicle, conveyances or other article or place used for or in connection with the preparation, handling or sale of foodstuffs comply with the requirements of sections 2 to 5 inclusive of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972) and regulations made under section 34 to 27 inclusive of the Health Act, 1977 (Act No. 63 of 1977);
 - (b) issue the licence subject to any condition^{*4} therein specified in terms of which the licence holder must, in connection with the business premises or any such apparatus, equipment, storage, space, working surface, structure, vehicle, conveyance, article or place comply, or within a specified period comply, with a specific requirement relating to town planning or the safety or health of the public of a law or regulations contemplated in subsection (3)(a) which apply to those premises.
- (4) Subject to section 2(10) of the Act^{*5}, the Council may refuse to issue a licence if-

^{*4} "Section 2(10) of the Act provides as follows: "when a licensing authority decides to refuse an application for a licence, or to grant such an application subject to a condition contemplated in subsection 6(a), or to issue a licence subject to a condition, or to amend or impose a condition under subsection (8), or to withdraw or suspend a licence, it shall as soon as practicable-

- (a) notify the applicant or licence holder concerned in writing of its decision;
- (b) furnish the applicant or licence holder concerned in writing with the reasons for its decision;
- (c) inform the applicant or licence holder concerned in writing of his right to appeal under section 3."

^{*5} See footnote 4.

- (a) any apparatus, equipment, storage space, working surface, structure, vehicle, conveyance or any other article or place used for or in connection with the preparation, handling or sale of foodstuffs, does not comply with a requirement of a law or regulations contemplated in subsection(3)(a) relating to the health of the public;
 - (b) any foodstuff sold by the licence holder does not comply with a requirement of a law or regulations contemplated in subsection (3)(a) a law relating to the health of the public; or
 - (c) a licence of which the applicant was the holder, was at any time during the preceding 12 months, withdrawn due to non-compliance with a requirement under subsection (3).
- (5) The Council may at any time, after giving the licence holder a reasonable opportunity to be heard -
- (a) withdraw or suspend licence on the ground that-
 - (i) any apparatus, equipment, storage space, working surface, structure, vehicle, conveyance or any other article or place used for or in connection with the preparation, handling or sale of foodstuffs, does not comply with a requirement of a law or regulations contemplated in subsection (3)(a) relating to the health of the public;
 - (ii) any foodstuff sold by the licence holder does not comply with a requirement of a law or regulations contemplated in subsection (3)(a) relating to the health of the public;
 - (iii) the person did not comply with a condition imposed by the Council in terms of subsection (3)(b).
 - (b) if it considers it necessary on the ground of changed circumstances in relation to a business or the premises, by way of endorsement on the licence amend a condition or impose a condition, and-
 - (i) may for these purposes require a licence holder in writing to produce his or her licence; and
 - (ii) must act in terms of section (2)10 of the Act.
- (6) A person who contravenes subsection (1) or a condition contemplated in this section or who fails to comply with requirement contemplated in this section, commits an offence.

CHAPTER 3: MISCELLANEOUS PROVISIONS

12. Notice of contravention

- (1) The Council may serve a notice of contravention on a person who has committed an offence in terms of these By-laws.
- (2) A notice of contravention must-
 - (a) specify, at the time when the notice is issued, the name and residential and postal address, if either or both of these be known, of the person on whom the notice is served
 - (b) state the particulars of the contravention;
 - (c) specify the amount of the penalty payable in respect of that contravention and the place where the penalty may be paid; and
 - (d) inform the person that he or she must-
 - (i) within 28 calendar days of the date of service of the notice, pay the penalty; or
 - (ii) within 7 calendar days of the notice, inform Council in writing that he or she elects to be tried in court on a charge of having committed an offence.

13. Penalty

A person who contravenes any provision or fails to comply with any provision of this by-law commits an offence and shall on conviction be liable to-

- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and imprisonment; and

- (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
- (c) a further amount equal to any costs and expenses found by the court to have been incurred by Council as result of such contravention or failure.

14. Responsible person

When an employee of a person who trades ("the employer") performs an act which contravenes a provision of these By-laws, the employer is deemed to have committed the contravention himself or herself, unless he or she proves to the satisfaction of the court that -

- (a) he or she did not permit such act;
- (b) he or she took all reasonable steps to prevent the performance of the act, however the fact that he or she issued instructions forbidding an act, is not sufficient proof that he took all reasonable steps to prevent the performance of the act; and
- (c) it was not in the scope of the authority or the course of employment of the employee to perform an act which contravenes these By-laws.

15. Repeal

By-laws on street trading previously made by the Council or its constituent Predecessors in respect of any portion of the area of the Makhado Municipality, are hereby repealed in so far as they are inconsistent with the provisions of these By-laws.

16. Short title and commencement

This by-law shall be known as the Makhado Local Municipality: Trading, Street Trading By-Laws and shall come into operation on the date of publication thereof in the Provincial Gazette.

SCHEDULE 1**(Section 11(2))****APPLICATION: HAWKERS'S LICENCE FOR STREET TRADING IN MEALS AND PERISHABLE FOODSTUFFS**

A person who wants to obtain a hawker's licence to hawk, sell or pedal meals or foodstuffs as a street trader, must supply the following information:

NAME:

IDENTITY NUMBER:

ADDRESS:

.....

CONTACT NUMBERS (e.g. telephone):

AREA/S IN WHICH YOU WANT TO TRADE:

.....

DESCRIBE THE FOOD THAT YOU WANT TO TRADE IN:

.....

DESCRIBE ALL EQUIPMENT THAT YOU ARE GOING TO USE:

.....

.....

DESCRIBE THE SHELTER, STRUCTURE OR FROM WHICH YOU ARE GOING TO TRADE:

.....

.....

LOCAL AUTHORITY NOTICE 204

MAKHADO LOCAL MUNICIPALITY

BY-LAWS REGARDING CHILD CARE FACILITIES

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CHAPTER 1 INTERPRETATION

1. DEFINITIONS

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

"act" means the Child Care Act, 1983 (Act No 74 of 1983);

"child" means a child admitted to a child care facility in terms of these by-laws or the Act and **"children"** has a corresponding meaning;

"child care facility" means any building or premises or part thereof which is maintained and used, whether for profit or otherwise, to care for, look after or temporary accommodate two or more children of different parents or guardians apart from their parents or guardians, for a full day or part of a day or night, with the inclusion of creches; creches-cum-nursery schools; nursery schools; day care premises; playgroup premises; after school centra and private hostels but shall not include a boarding school, school hostel or other establishment which is maintained or used mainly for the tuition or training of children and which is controlled by, registered at or approved by the Limpopo Provincial Department of Education;

"Council" means the municipal council of the Makhado Local Municipality in which the executive and legislative authority of the municipality is vested, and which is the decision making body of the municipality, and its delegates;

"creche" means a building or premises or part thereof which is maintained or used for the custody and care of more than six children of pre-school going age during the whole or part of the day, on all or only some days of the week, but does not include a play group or day care premises.

"creche-cum-nursery school" means any building or premises where a nursery school programme applies and which is maintained or used for the custody, care and tuition of more than six children of pre-school going age during the whole or part of the day, on all or only some days of the week, but does not include a play group or day care premises;

"daycare premises" means any residential building or part thereof which is maintained and used, whether for profit or otherwise, to care for, look after or temporary accommodate two to a maximum of ten children of pre-school going age of different parents or guardians apart from their parents or guardians, for a full day or part of a day or night, but does not include a playgroup premises.

"holder" means the person who has applied for the registration of a child care facility in terms of the provisions of these by-laws or the Act, and to whom a registration certificate for the child care facility concerned has been issued;

"Executive Director: Community and Social Development" means the person appointed by the Council in this capacity or any person acting for him or who has been authorized by him to act on his behalf;

"municipality" means the Makhado Local Municipality, and when referred to as :

(a) an entity, means Makhado Local Municipality and its delegates as described in section 2 of the Systems Act; and

(b) a geographic area, means the municipal area of Makhado Local Municipality as determined in terms of the Local Government : Municipal Demarcation Act, 1998 (Act No 27 of 1998);

"play group premises" means any residential building or premises or part thereof which is maintained and used, whether for profit or otherwise, to care for, look after or temporary accommodate two to a maximum of twenty children of pre-school going age above the age of three years, of different parents or guardians apart from their parents or guardians, for not more than five days per week between the hours 07h30 and 13h30, but does not include a day care premises;

"registration" means :

- (a) in the event of a child care facility where a maximum of six children are to be accommodated, registration with the municipality;
 - (b) in the event of a child care facility where seven or more children are to be accommodated, registration in terms of the Act.
- (2) In these by-laws, unless the context otherwise indicates, words and expressions denoting the singular shall include the plural and vice versa, words and expressions denoting the male sex shall include the female sex and vice versa and reference to a natural person shall include a legal person and vice versa.

CHAPTER 2 REGISTRATION, GRADING AND RELAXATION

2. REGISTRATION

- (1) No child may be received or accommodated in a child care facility unless such facility has been registered in terms of these by-laws or the Act.
- (2) Application for registration of a child care facility in terms of these by-laws, shall be made to the municipality in writing by completing and submitting an application form as determined from time to time.
- (3) The Council may, before considering such application, require that it be furnished with any information in connection with the application concerned which it may deem necessary.
- (4) If the Council is satisfied that the child care facility comply with the prescribed requirements and that it will be managed and conducted in such a manner that it will be suitable for the purpose applied for, it may grant the application either unconditionally or on such conditions that the Council may deem necessary, and issue to the applicant a registration certificate.
- (5) Subject to the provisions of section 21, a registration certificate issued in terms of this section, may at any time be cancelled by the Council after at least one month's written notice of the intention to cancel the certificate has been given to the holder concerned, and after consideration by the municipality of any representations which may be submitted in pursuance of such notice. The cancellation of a registration certificate shall take effect on the date specified in the cancellation notice issued by the Council, which date shall not be earlier than 90 days after the date upon which the notice of cancellation was given.
- (6) A registration certificate shall not be transferable and shall be valid for a period of two years from the date that it was issued.
- (7) Application for renewal of a registration certificate for a child care facility registered in terms of these by-laws, shall be made to municipality in writing by completing and submitting an application form not later than one month before the registration certificate expires.
- (8) Any child care facility which immediately before the commencement of these by-laws, was registered and graded in terms of the Health Regulations for Creches and Creches-cum-Nursery Schools of the Makhado Local Municipality or its predecessor in title, shall as from the commencement of these by-laws be deemed to be registered and graded in terms of these by-laws.

3. GRADING SYSTEM

- (1) In considering a new application for the registration of a child care facility or the renewal of a registration certificate, a decision on the appropriate grading level of the child care facility concerned shall be made :
 - (a) in accordance with the minimum standards as contained in the Schedule of Guidelines set out in Annexure A;
 - (b) by evaluating the conditions and circumstances that prevail during an inspection of the child care facility concerned; and
 - (c) consultation with the relevant officials of the Limpopo Department of Welfare.
- (2) The municipality's decision on the appropriate grading of the child care facility concerned shall be contained in a grading certificate, issued to the holder, which certificate shall be valid for a period of two years.
- (3) The grading of a child care facility may for appropriate and valid reasons be withdrawn or altered by the Executive Director: Community and Social Development after consultation with the relevant officials of the Limpopo Department of Social Development and after discussion with the holder.
- (4) The holder must submit the grading certificate of a child care facility of which the grading has been withdrawn or altered as contemplated in sub-section (3), to the Executive Director: Community and Social Development within seven days, failing which :
 - (a) in the event of a child care facility registered with the municipality, the grading as well as the registration shall terminate forthwith;
 - (b) in the event of a child care facility registered in terms of the Act, the Department of Social Development, shall be advised to withdraw its registration.

4. RELAXATION OF REQUIREMENTS

- (1) To ensure that as many child care facilities as possible are operated legally and properly and to give guidance in the process of upgrading the quality of their facility and services, the Executive Director: Community and Social Development, subject to the provisions of subsection (2):
- (a) may on his own initiative grant a relaxation on any requirement as stipulated in these by-laws to a standard that is acceptable to the municipality;
 - (b) must on written request by a holder consider a relaxation as contemplated in subsection (1)(a).
- (2) A relaxation shall only be granted :
- (a) if it does not pose an immediate health danger or a substantial safety risk to anyone;
 - (b) if it is in line with the prevailing policy of the Limpopo Provincial Departments of Health, Social Development and Education, if applicable; and
 - (c) provided that :
 - (i) the child care facility concerned shall once again be subjected to a process of grading as contemplated in section 3; and
 - (ii) a certificate indicating the applicable grading received by the child care facility shall be displayed on a conspicuous position on the relevant premises for the notice of the general public; and
 - (iii) every parent or guardian concerned shall be informed by the holder of the outcome of the grading-process.

CHAPTER 3
FACILITIES AND REQUIREMENTS

5. PRESCRIBED FACILITIES FOR CHILDREN AGED 3 YEARS AND OLDER

Subject to the provisions of sections 12 and 13, the following facilities shall be provided in respect of child care facilities for pre-school children aged three years and older

(1) Office and Staff-room

- (a) An office;
- (b) A staff-room: Provided that one room may, subject to the approval of the Executive Director: Community and Social Development, be used as an office and staff-room combined.

(2) Play and isolation rooms

- (a) A playroom for play activities, serving of meals and sleeping purposes, with a minimum free-playing area of 1,8m² for every child.
- (b) An isolation room with a minimum floor area of 2m x 3m, fitted with a built-in hand wash basin with hot and cold running water, and equipped with a first-aid cupboard and equipment and bed or stretcher. Provided that one room may be used as an office and isolation-room combined, subject to the prior written approval of the Executive Director: Community and Social Development .

(3) Kitchen

A kitchen complying with the following requirements :

- (a) the kitchen, including the scullery area, shall have a minimum floor area of 12m² for a maximum of 50 children or part of such number of children accommodated, with an additional 0,2m² per child for 50 to 100 children and a further 0,1m² for every child in excess of 100.
- (b) the kitchen shall be provided with a double compartment sink, hand wash basin, vegetable washing sink, and where the Executive Director: Community and Social

Development deems it necessary, an approved pot-washing sink shall be installed on the premises.

- (c) in the discretion of the Executive Director: Community and Social Development and after due consideration has been given to the manner, amount and nature of cooking undertaken on the premises, there shall be provided, immediately above every cooking stove, oven or similar apparatus, a hood or canopy of adequate size, having, a flue duct of at least 300mm in diameter, and in addition, such mechanical device as the Executive Director: Community and Social Development shall deem necessary in the circumstances, exhausting to the atmosphere at such a height and in such a position or manner as is necessary to prevent that the discharge therefrom constitutes a nuisance or annoyance to the neighbourhood: Provided that where the Executive Director: Community and Social Development is satisfied that the purposes of these by-laws will be effectively achieved thereby, a mechanical device may be provided instead of a hood or canopy as aforesaid.
- (d) the wash-basins mentioned in subsection (3)(b) shall be made of stainless steel or other approved impervious material and shall have an adequate supply of hot and cold running water effectively distributed and laid over the sinks and hand wash basins.
- (e) each bowl of the double compartment sink shall have a minimum depth of 225mm and minimum capacity of 55L.
- (f) the draining boards of the sinks shall be fitted with 150mm splash screens and installed 100mm from any wall surface, and every part of a wall surface within 600mm from any part of the sink or draining board so installed, shall be tiled or given some other approved finish having similar properties to a tiled surface, to a height of at least 1,5m from the floor.
- (g) the floor of the kitchen shall be of concrete or other similar impervious material.
- (h) natural light and ventilation shall be provided in accordance with the National Building Regulations.
- (i) wall surfaces shall be tiled or smooth-plastered and painted in light-coloured washable paint.
- (j) ceilings must be provided and shall be dust-proof and painted with a light coloured washable paint.
- (k) all cupboards, shelves and other equipment for the storage of kitchen utensils and equipment, shall be of metal and shall be so fitted or situated as to be easily cleaned and not to favour the harbourage of insects, rodents and other vermin.
- (l) all work tables shall be constructed of metal with a stainless steel top, or other approved impervious material.
- (m) the stove or other cooking units shall be so installed as to allow easy access between the stove or cooking unit and the adjoining wall surfaces to allow for cleaning.
- (n) facilities for the storage of vegetables shall be provided.
- (o) there shall be provided suitable refrigeration facilities for the storage of perishable foodstuffs.
- (p) there shall be provided a sufficient number of metal or other approved bins with covers for the temporary storage of refuse pending disposal.
- (q) nothing contained in these by-laws shall preclude the use of a domestic kitchen situated on the child care facility, provided such kitchen complies with the stipulations in these by-laws.

(4) Storage

- (a) A store-room or pantry, properly ventilated and rodent proof, having a minimum floor area of at least 6m² and minimum width of at least 2m.
- (b) Adequate storage for stretchers, bedding and linen.
- (c) Adequate separate storage for personal belongings of every child.
- (d) Adequate storage accommodation for indoor and outdoor play materials and equipment.

(5) Sanitary facilities for children

Sanitary and ablution facilities for the children complying with the following requirements:

- (a) easy access between ablution facilities, play rooms and outdoor play area.
- (b) one waterborne toilet for every 15 children or part of 15 children shall be provided. Seats should be of the tilt-up and front-cut-away type.
- (c) no division of toilets for the sexes is necessary.
- (d) one hand wash basin for 15 children or part of 15 children shall be provided and such basin shall be so fitted that the upper surface shall not be more than 500mm above floor level.
- (e) a constant supply of running cold water or thermostatic controlled water shall be provided to the hand wash basins set aside for use by the children.
- (f) the floors of the ablution block shall be of impervious material rendered to a smooth surface.
- (g) a sufficient number of impervious bins with covers for the temporary storage of paper, paper towels, tissues and other articles pending disposal shall be provided.

(6) Sanitary facilities for staff

- (a) Separate sanitary and ablution facilities for both sexes of staff, complying with the following requirements:
 - (i) Sanitary and ablution facilities for the staff shall be entirely separate from such facilities provided for the children, and shall have no direct communication with any apartment used in connection with the children.
 - (ii) One toilet and one hand-wash basin for every 15 persons or part of a number of 15 persons as well as one bath or shower for every 15 employees accommodated at nights on the premises shall be provided.
- (b) A supply of hot and cold water shall be provided to all washing facilities.
- (c) All hand wash basins shall be close fitting to walls and the walls at the rear of such basins shall be glazed tiled to a height of not less than 450mm above the upper surface of such hand wash basins, or be finished in some other material similar to tiling.
- (d) Soap, nail brushes and clean towels shall be available at the ablution facilities at all times.
- (e) Where no overnight accommodation for staff is provided on the child care facility and there are more than four persons employed, a cloak room or lockers for personal effects shall be provided.

(7) Laundry Services

Laundry facilities or -services shall be provided to the satisfaction of the Executive Director: Community and Social Development.

(8) Outdoor Play Areas

Outdoor play areas of at least 2m² per child shall be provided. This area shall provide for lawns and shade and for hard surfaces for wheel-toys. It shall be free of excavations and dangerous steps or levels, swimming pools or similar pools of water that are not fenced in accordance with the stipulations of the National Building Regulations and Building Standards Act, No. 103 of 1977, unprotected water pools, poisonous vegetation, unsafe, dangerous or unhygienic conditions, animals, substances or things.

6. PRESCRIBED FACILITIES FOR CHILDREN YOUNGER THAN 3 YEARS

The following minimum facilities shall be provided for the accommodation of children under three years of age.

(1) Office and Staff-room

- (a) An office;
- (b) A staff-room: Provided that one room may, subject to the approval of the Executive Director: Community and Social Development, be used as an office and staff-room combined.

(2) Isolation Room

An isolation room with a minimum floor area of 2m x 3m, fitted with a built-in hand wash basin with hot and cold running water, and equipped with a first-aid cupboard and equipment and bed or stretcher. Provided that one room may, be used as an office and isolation-room combined, subject to the prior written approval of the Executive Director: Community and Social Development.

(3) Nursery

A nursery which shall provide 3m² indoor area per child. Cots shall be arranged in such a way that there shall be a minimum of 750mm between the cots. A wash hand basin shall be provided in each nursery.

(4) General Kitchen

A kitchen as contemplated in section 5(3) and which comprises also of the following:

- (a) a sterilizing unit for sterilizing baby milk bottles; and
- (b) a refrigeration unit for the keeping of baby milk bottles.

(5) Storage

- (a) A storage room or pantry as contemplated in section 5(4) of these by-laws.
- (b) Storage for bedding and linen.
- (c) Storage for prams.
- (d) Storage for personal belongings of child.

(6) Sanitary and Ablution Facilities

Sanitary and ablution facilities for children complying with the following requirements:

- (a) A sluice sink, fitted with 150mm splash screen and installed 100mm from any wall surface. Every part of a wall surface within 600mm from a sink shall be tiled or given some other approved finish having similar properties to a tiled surface, to a height of at least 1,5m from the floor. A hand wash basin is to be provided.
- (b) A bathing unit, fitted with at least 2 baby bathing units for every 20 children, such units to be approved by the Executive Director: Community and Social Development. The flow of water to be supplied to bathing units by side inlets or movable overhead fittings and the temperature of the water shall be thermostatically regulated. A hand wash basin shall be provided in the bathing unit and a constant supply of hot and cold running water shall be provided to sluice sinks and hand wash basins.
- (c) For children not using napkins, toilet equipment of such a nature as meets with the approval of the Executive Director: Community and Social Development, shall be provided and shall be suitably stored.

(7) Napkin and Laundry Services

Napkins by means of :

- (a) a recognized napkin service, in which case provision shall be made for separate storage facilities for clean and soiled napkins; or
- (b) a laundry service on the premises in an approved laundry which shall comprise of three units as follows:
 - (i) receiving and pre-cleaning unit;
 - (ii) washing, drying and ironing unit;
 - (iii) storage and despatch unit.
- (c) General washing and laundry facilities on or off the premises shall be provided to the satisfaction of the Executive Director: Community and Social Development.

(8) Bins

A sufficient number of impervious bins with close fitting covers for temporary storage of soiled paper, tissues, paper towels and other articles pending disposal.

(9) Floors

Floors must be of impervious material.

(10) Staff Facilities

Sanitary and ablution facilities for the staff in terms of section 5(6) of these by-laws.

(11) Storage

Adequate storage for indoor and outdoor play materials and equipment.

(12) Outdoor Play Areas

A minimum outdoor area of 2m² per child shall be provided for the use of perambulators and play-pens and outdoor activities for the toddler group. This area shall provide for lawns and shade and shall further comply with the provisions of section 5(8) of these by-laws.

7. GENERAL REQUIREMENTS RELATING TO BUILDINGS

All child care facilities shall comply with the following requirements :

- (1) The buildings shall be constructed according to the provisions of the relevant legislation pertaining to buildings and in such a manner as to render the buildings safe and not injurious to health.
- (2) The window-area of all offices, playrooms, isolation rooms and other apartments for the accommodation of children, of storerooms, sanitary blocks, sculleries and laundries shall be equal to not less than one-tenth of the floor area. At least half of the prescribed window area in any such room shall be capable of being opened for ventilation purposes. Adequate artificial lighting shall be available throughout any such buildings. Windows in play rooms, office and isolation rooms shall not be more than 750mm from ground level and shall be constructed in such a way as not to open at a level dangerous to the children.
- (3) All floors and skirting shall be finished to a smooth surface, free of sharp edges or other dangerous defects.
- (4) Except as otherwise herein provided, the internal walls throughout shall be smooth surfaced and shall be covered with a light-coloured, durable washable finish.
- (5) All rooms shall be dust proof and provided with ceilings and ceilings and cornices shall be tight-joined and close-fitting and shall be covered with a light-coloured, durable washable finish.

- (6) All internal woodwork shall be of sound construction and so designed or fitted as not to favour the collection of dust or the harbourage of insects.
- (7) Every room shall be so provided with windows, doors or other openings as to ensure the proper cross-ventilation of such room.
- (8) All external walls, pillars, roofs, roof-gutters and down-pipes and any other external part of the building or buildings shall be of sound construction and in a clean state.

8. EQUIPMENT

Equipment for children in a child care facility shall comply with the following requirements:

- (1) Chairs shall be of such weight that they can be lifted by the child. They shall be free of splinters or other rough or dangerous surfaces and shall be of such a height as to permit the child to sit on with both feet on the floor. They shall not exceed 300mm in height for the age-group three years and older, and 200mm for the age-group under three years.
- (2) Tables shall be movable and shall be of strong solid construction. They shall be free of splinters or other rough or dangerous surfaces, and shall not exceed 450mm in height for the age-group three years and older and 350mm for the age-group under three years;
- (3) All beds, cots, stretchers, mats or other furniture for resting or sleeping purposes shall be designed to the satisfaction of the Executive Director: Community and Social Development and shall be used by only one child whose name or symbol shall be clearly affixed thereto. An adequate number of sheets, waterproof sheets, blankets or other bedding shall be readily available for use.
- (4) Indoor and outdoor playing equipment shall be provided and such equipment shall be of such a nature as not likely to enable a child to injure himself or cause injury to others.

9. MEDICAL CARE OF CHILDREN

Every registration holder of a child care facility and any person in charge of the children at a child care facility shall :

- (1) strictly observe all children for any signs of illness, indisposition or other abnormal conditions;
- (2) immediately after identifying any illness, indisposition or abnormal condition, notify the parent or guardian of the child concerned of the child's condition;
- (3) if necessary and subject to the prior consent of the parent or guardian, summon the private medical practitioner of any child suffering or suspected to be so suffering, or in the event of the unavailability of such medical practitioner, summon a medical practitioner appointed by the child care facility management;
- (4) immediately isolate the child or children concerned in the isolation room or area provided for the purpose, and devote all care necessary to the comfort and treatment of the child whilst on the premises;
- (5) carry out all instructions issued by the medical practitioner and in the event of a communicable disease or signs of child-abuse, shall immediately notify the Executive Director: Community and Social Development by telephone followed up by a written notification; and
- (6) keep a record of all injuries and illnesses which occurred whilst the child was on the premises.

10. PERSONAL TOILET EQUIPMENT

- (1) The following minimum personal toilet equipment shall be available for the use of each child in the child care facility :
- (a) Face cloth
 - (b) Towel
 - (c) Handkerchief or disposable tissues
 - (d) Comb
 - (e) Soap
- (2) Provisions shall be made in the ablution block or in and adjacent apartment by means of safe hooks, lockers or other means approved by the Executive Director: Community and Social Development for the separate storage of the personal toilet equipment of each child in a child care facility.
- (3) Such storage accommodation and the personal toilet equipment stored shall be clearly marked in such a manner as to be easily recognized by each child.
- (4) Provisions shall be made for the boiling, washing or disinfecting of children's toilet equipment on a regular basis.

11. SAFETY MEASURES

The following measures shall be taken by a holder to ensure the safety of the children in a child care facility :

- (1) Adequate measures shall be taken for the protection of the children against fires, hot water installations, electrical fittings and appliances and electrical shock, heating appliances and any other article or thing which may be dangerous or cause injury to any child.
- (2) Any slats or rails used in enclosures, play-pens, beds, cots or for any other purpose whatsoever, shall be not more than 75mm apart and shall be firmly fixed and free from splinters or other rough or dangerous surfaces.
- (3) The premises shall be entirely enclosed by means of a suitable fence, wall or other means so constructed as to completely preclude children from leaving the confines of the premises at their own accord and prevent the entrance of domestic or any other animals. All gates or doors in such boundaries shall be close-fitting and securely locked or otherwise closed, so as to prevent them being opened by the children.
- (4) A first-aid box with the necessary materials and equipment as specified by the Executive Director: Community and Social Development, shall be provided on the premises and shall be readily available for use and kept out of the children's reach at all times.
- (5) All medicines, corrosive and other harmful substances shall be stored in a safe manner, and shall not be accessible to children.
- (6) No dog or cat or any noxious or poisonous plant or shrub shall be permitted on the premises or shall be accessible to the children.
- (7) No person suffering from any infectious or communicable disease and no person who has been in contact with any person so suffering, and who has not cleaned his person and clothing so effectively as to render him incapable of spreading such disease and no person whose body is not in a clean and healthy condition, shall be allowed on the premises of a child care facility.

- (8) The provisions of the regulations regarding the exclusion from school on account of infectious disease made in terms of the Health Act No 63 of 1977, as amended, shall apply to all child care facilities.
- (9) The sand-pit, when not used, must at all times be covered to the satisfaction of the Executive Director: Community and Social Development.

CHAPTER 4 PLAY GROUPS AND DAYCARE

12. PLAY GROUP PREMISES

Subject to the provisions of the relevant Town Planning Scheme, it shall be permissible to utilize a residential building or premises or part thereof as a play group premises for which the necessary registration has been obtained, subject to compliance with the following conditions :

- (1) Only the holder may conduct play group activities on such premises.
- (2) A play group may consist of only pre-school going children above the age of three years and shall not exceed 20 in number including such children which form part of the play group leader's household.
- (3) Play group activities may only be conducted during normal weekdays and must take place between the hours 07:30 and 13:30.
- (4) Whenever a play group is present on such premises, no child under the age of three years may be taken care of or looked after on the same premises: Provided that the provisions of this subparagraph shall not apply to a child under the age of three years who is a member of the household of the holder: Provided further, that whenever a child under the age of three years is found on such premises when a play group is also present, it shall be deemed to be taken care of or looked after there.
- (5) Indoor free-playing area of at least 1,8m² per child must be available and shall not include areas such as bathrooms, toilets, passages, bedrooms, servants rooms, kitchens, sculleries, washing rooms, garages and/or any other room or space so used or be in such a condition that it is according to the opinion of the Executive Director: Community and Social Development, not suitable to be included as part of the required area.
- (6) Only the following sections are mutatis mutandis applicable to play group premises :
1; 2; 3; 4; 5(4) and 5(5); 5(8); 7(1); 7(3) to and including 7(8); 8(4); 9 ; 10 ; 11(1) and 11(3), 14 and 22.

13. DAY CARE PREMISES

- (1) Subject to the provisions of the relevant Town Planning Scheme, it shall be permissible to utilize a residential building or premises or part thereof as a day care premises for which the necessary registration has been obtained.
- (2) The following section are mutatis mutandis applicable to a day care premises :
 - (a) all the sections as mentioned in 12(6) (except 5(4) and 5(8)); and
 - (b) 6(4); 6(8) up to and including 6(12).

CHAPTER 5 INSPECTIONS, DUTIES AND REGISTERS

14. INSPECTION OF CHILD CARE FACILITIES

- (1) A social worker, a nurse or any other person, authorized thereto by the Executive Director: Community and Social Development, may enter any child care facility in order to :
 - (a) inspect such facility and the books and documents appertaining thereto;
 - (b) observe and interview any child therein, or cause such child to be examined by a medical officer, psychologist or psychiatrist.
- (2) Any social worker, nurse or other person so authorized shall be furnished with a certificate to that effect, signed by the Executive Director: Community and Social Development, which he or she, when acting in terms of subsection (1), shall produce at the request of the holder or staff member of the child care facility concerned.
- (3) Any person who obstructs or hinders any social worker, nurse or other person so authorized in the performance of any function contemplated in subsection (1), or who fails to produce any child, book or document whose production a social worker, nurse or other person so authorized has demanded, shall be guilty of an offence.
- (4) The social worker, nurse or other person so authorized, shall submit a report the Executive Director: Community and Social Development after the performance of a function referred to in subsection (1). The Executive Director: Community and Social Development shall on receipt of the report, act as he may deem necessary and appropriate.

15. DUTIES OF THE REGISTRATION HOLDER

Every holder shall at all times :

- (1) maintain every part of the child care facility, including outdoor areas and all things belonging thereto, in good repair and in a tidy condition and free from dirt, filth or other noxious matters or things;
- (2) keep all cutlery, crockery, utensils, vessels, containers, receptacles, appliances and equipment, used for the storage, preparation and serving of foodstuffs in a clean and hygienic condition and free of any defects;
- (3) provide and maintain efficient measures for the prevention and destruction of flies, cockroaches, rodents and other vermin in such child care facility, and provide and maintain in sound condition sufficient mosquito nets for the protection of children against flies or mosquitoes;
- (4) provide and maintain at all times suitable means for protecting all foodstuffs from contamination by dust, dirt, flies or any other cause;
- (5) provide at all times an adequate supply of soap, clean towels and nailbrushes at hand wash basins;
- (6) ensure that all persons engaged in the child care facility are clean in person and clothing;
- (7) provide clean and sound overalls or coats of light-coloured washable material and suitable head-coverings for the use of persons engaged in the handling, preparation and serving of food, and ensure that such overalls or coats are worn at all such times;

- (8) provide adequate storage space to the satisfaction of the Executive Director: Community and Social Development for toys, books and other indoor and outdoor toy materials and ensure that such storage space shall be within the easy reach of children from floor level;
- (9) ensure that the children are under the direct supervision of at least one responsible adult;
- (10) ensure that each child uses his own personal toilet equipment;
- (11) ensure that all meals provided to the children meet with the requirements of the Executive Director: Community and Social Development. Records of menus of all meals shall be kept, and shall be open to inspection. All menus shall be approved by the Executive Director: Community and Social Development.

16. APPLICATION FOR ADMISSION

- (1) Application for admission of a child to a registered child care facility, shall be made to the holder concerned by the parent or guardian in writing by completing and submitting an application form.
- (2) A child shall only be admitted to a registered child care facility after formal approval of the application by the holder.

17. REGISTERS

- (1) The holder shall keep an admission and discharged register of all the children admitted to and discharged from the child care facility concerned.
- (2) The holder shall keep a register of attendance in which the daily presence or absence of children at the child care facility shall be noted.
- (3) A diet register shall be kept in which the nature of and times when all foodstuffs are served, shall be noted daily.

18. MEDICAL REPORT

A medical report in respect of each child, containing the following information, shall be obtained and kept by each holder :

- (1) Information concerning the child's general state of health.
- (2) The ailments and other communicable diseases from which the child has suffered and the dates on which the child had such ailments.
- (3) Details of immunization against smallpox, poliomyelitis, tetanus, measles, whooping cough, diphtheria and tuberculosis or any other communicable disease.
- (4) Possible allergies and diseases such as epilepsy and food sensitivities.

19. JOURNAL

Each holder shall keep a journal in which important information such as accidents requiring hospitalization, medication to be taken and the programme of daily activities are noted in respect of each child.

CHAPTER 6 MISCELLANEOUS

20. TERMINATION OF OPERATIONS

A holder shall notify the Council in writing within in seven days of the temporary or permanent termination of the operations of the child care facility to which the registration relates and shall at the same time provide the existing registration and grading certificates.

21. TERMINATION OF REGISTRATION

Subject to the provisions of section 2(5), the municipality may suspend or withdraw a registration issued in terms of these by-laws, should the registration holder be found to harass or abuse, or to endanger the health or safety of, any child in a child care facility, or to misuse any drugs or alcohol or other habit forming substance or become mentally or physically disabled to act as a holder or be convicted of a breach of any of the provisions of these by-laws, provided that such holder must be given adequate opportunity to furnish reasons why such suspension or withdrawal should not be done: provided further that the Executive Director: Community and Social Development may notify all relevant parents or guardians of such pending suspension or withdrawal, the reasons thereof and the final outcome thereof.

22. OFFENCES AND PENALTIES

- (1) A person who has committed an offence in terms of these By-laws is, on conviction liable to a fine or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.
- (2) Any expense incurred by the municipality as a result of any such contravention or in the doing of anything, which any person was directed to do by or under any of these by-laws and which he failed to do, may be recovered by the municipality from the person committing the contravention or failing to do such thing.
- (3) Subject to an order as to costs by a competent court, the municipality may recover from any person the costs incurred by the municipality to collect or attempt to collect from such person, any amount due by him to the municipality in terms of these by-laws.

23. REPEAL

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality, are hereby repealed as far as they relate to matters provided for in this by-law, and insofar as it has been made applicable to the municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998.

24. SHORT TITLE AND COMMENCEMENT

These by-laws are called the Makhado Local Municipality: By-laws relating to Child Care Facilities and shall come into operation on the date of publication in the Provincial Gazette.

ANNEXURE A**SCHEDULE OF GUIDELINES FOR MINIMUM STANDARDS FOR LEVELS OF REGISTRATION OF CHILD CARE FACILITIES (SECTION 3)**

STANDARD	LEVEL 1 STARTING GRADE - PROVISORY REGISTRATION	LEVEL 2 DEVELOPING GRADE - INTERIM REGISTRATION	LEVEL 3 STANDARD GRADE - FULL REGISTRATION	LEVEL 4 TOP GRADE - FULL REGISTRATION
1. <u>ENVIRONMENTAL HEALTH ASPECTS</u> Structure of accommodation facilities	May be informal. Must be safe, adequately ventilated and lighted, impenetrable by rainwater, have a covered floor.	Must be of formal construction - complying with National Building Regulations	As per Level 2 - interior wall surfaces painted with washable paint	As per Level 3
2. Walls, floors, ceilings, windows	Openable openings (doors and windows) and covered floor	Solid, impervious floors, doors, walls, windows with glass. Painted walls and ceilings	Ceiling required. Safety glass (if applicable) to windows. Floors covered. Rest as per Level 2	As per Level 3
3. Premises safety and hygiene	May be unfenced - water pools must be fenced off. No dangerous conditions. No access to dangerous articles or animals, poisonous plants or substances (like paraffin, cleaning agents, etc.)	Must be fenced off and with lockable gates. Must have lockable cupboard for dangerous/poisonous articles/substances. Further as per Level 1	As per Level 2	As per Level 3 and no access to garden equipment and dangerous tools/apparatus
4. Water availability	Pure drinking water to be available: sealed watertank (screw top) plus tap or nozzle - alternatively a tap within 50 meters on same premises	As per Level 1	On tap within 50 meters on same premises	On tap inside
5. Toilet facilities	Screened-off area under roof cover with commodes, (1/20 children) plus potties (1/5 children). Disposal of contents: safe and hygienic - washing of potties/buckets not at tap	Pit (VIP) or bucket toilets plus step-ups and also potties for smaller children. Ratio: 1/20 children	As per Level 2 and potties for small children	Flush toilets (1:15 children) plus potties for small children. Separate staff toilets
6. Wash basins with clean water	Plastic or similar basins and soap and clean towels or cloths - 1:30 children. Waste water sprayed (no pooling) on premises	As per Level 1 and step-ups for smaller children if basins are fixed. Ratio: 1/20 children	Basins on trolley, further as per Level 2	Fixed with on tap running hot and cold water. Ratio: 1/15 children

7.	Kitchen/cooking/food preparation facilities	A cooking area - to be out of reach of children. Table/work surface to be easily cleanable. Basin or bucket for washing-up + cleaning material. Food to be protected against contamination	Separate kitchen with shelves and covered floor and rest as per Level 1	Separate kitchen with shelves and wash-up facilities (sink) plus hot water and fridge and cupboards, washable floor, enamel-painted walls and generally well equipped for food preparation. Cleansing agents and dust bins must be available	As per Level 3 and double bowl sink and running hot and cold water and pantry and freezer and flyscreening if necessary
8.	Refuse accommodation	Bin or plastic bags + safe means of disposal	As per Level 1	Plastic bag system - at least weekly removals	As per Level 3 and kitchen refuse bin with automatic lid provided in kitchen
9.	Cleansing equipment	Water, mops, brooms, bucket/bin, cloths and soap	As per Level 1	Running hot water and as per Level 2 + detergents and disinfectants	As per Level 3 + vacuum cleaner
10.	Storage facilities	Boxes for toys and equipment. Boxes on stone base to prevent damp. Children's belongings to be stored separately	As per Level 1 + shelves	Separate store room with shelves and lockers or hooks for children's belongings/clothes	As per Level 3 + 1 locker per child
11.	Indoor space	1 m ² per child	1m ² per child (2m ² if no outdoor space is available on premises)	1,8m ² per child (3m ² if no outdoor space is available)	1,8m ² per child over 3 years and 3m ² per child less than 3 years
12.	Outdoor space	Nearby open space of 2m ² per child	As per Level 1	1m ² per child must be provided on premises	2m ² per child must be provided on premises
13.	Office facility	None required	Office area required	Separate office area required	Separate office required
14.	Sick-bay	Separate space with mattress and blanket + <u>first aid kit</u>	May be part of office + <u>first aid kit</u>	May be part of office area + <u>first aid kit</u>	Separate or part of office + <u>first aid kit</u>
15.	Fire fighting equipment	Bucket(s) with sand	As per Level 1	Fire buckets (sand) and CO2 extinguisher(s)	As per Level 3

The relaxation of the requirements is applicable with regard to the above-listed aspects only and does not also imply an exemption from compliance with the rest of the requirements and standards

LOCAL AUTHORITY NOTICE 205

MAKHADO LOCAL MUNICIPALITY

ENVIRONMENT: INFLAMMABLE LIQUIDS AND SUBSTANCES BY-LAWS

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CHAPTER 1

DEFINITIONS

1. Definitions

In these by-laws, unless the context otherwise indicates –

“above-ground storage tank” means a tank situated above or partly above ground and used or intended to be used for the storage of inflammable liquid;

“bulk depot” means any premises used or intended to be used for the storage in bulk of inflammable liquid from where inflammable liquid is to be distributed by road tank wagon or otherwise;

“bulk store” means any building or structure, or part thereof, which is used or intended to be used for the storage of inflammable liquids in portable containers;

“certificate of registration” means a certificate issued by the Council authorizing any person to use the premises therein specified for the storage, use or handling of inflammable liquids;

“container” means any case, tin, barrel, drum or other vessel used or intended to be used for the holding of inflammable liquids, but does not include the fuel tank of a motor vehicle or stationary engine in normal use as such;

“Council” means the Council of the Makhado Local Municipality, established in terms of section 12 of the Local Government: Municipal Structures Act, no 117 of 1998;

“habitable room” means a room constructed or adapted to be used as a living room or workroom, and includes shops, workshops and offices, and the term

“habitable” has a like meaning;

“dry-cleaning room” means any premises used or intended to be used for the cleaning or treatment, for the purpose of acquiring gain or for reward, of garments or textiles with the aid of inflammable liquid.

“dry-cleaning machinery” means any machinery used or intended to be used for the cleaning or the treatment of garments or textiles with the aid of inflammable liquids;

“inflammable liquids” means and includes all inflammable liquids or inflammable substances having a true flash point below 200° Fahrenheit and shall be classified as follows:

- Class A inflammable liquid means petrol (motor spirit);
- Class B inflammable liquid means any inflammable liquid other than petrol having a flash point of 70° Fahrenheit and lower;
- Class C inflammable liquid means any inflammable liquid having a flash point of over 70° Fahrenheit, but under 200° Fahrenheit;

“person” includes any individual, company or closed corporation or corporate body or partnership or other association of persons;

“protected works” means any house or building or other structure used or intended to be used or available for use for human habitation or public assembly and includes schools, clubs and similar institutions and also includes any animal stable, but does not include any administrative offices, change rooms or mess rooms in a bulk depot;

“pump” means any pump used or intended to be used for the supply, delivery, propulsion or pumping of inflammable liquid or substances and includes all apparatus, pipes and appliances used for or in connection therewith, but does not include pumps in bulk depots;

“road tank wagon” means a vehicle constructed and intended for the purpose of conveying inflammable liquid for distribution principally or solely for the purpose of spraying vehicles or articles with inflammable liquid and purposes incidental thereto;

“spraying booth” means any subdivision or separate compartment of any spraying room, when such subdivision or separate compartment is used or intended to be used for the purpose of spraying vehicles or articles with inflammable liquid and purposes incidental thereto;

“store” means any building or structure other than a bulk store, which is used or intended to be used for the storage of inflammable liquid in containers;

“tank” means a metal tank of adequate strength for the use intended, used or intended to be used for the storage of inflammable liquid;

“tariff” means the tariff of charges as determined from time-to-time by the Council in terms of section 10 G (7) of the Local Government Transition Act, 1993;

“transfer under seal” means the transfer of inflammable liquid from or to a road tank wagon in such a manner as to prevent the escape of inflammable liquid or its vapour at any point in the system except at such points where the vapour necessarily expelled is discharged through a vent pipe;

“transport permit” means a permit authorizing the transportation by road of inflammable liquid;

“underground storage tank” means a tank used or intended to be used for the storage of inflammable liquid wholly sunk in and surrounded by earth or solid rock or any such tank situated in a basement below ground level and totally enclosed by a liquid-tight concrete or brick structure, and wholly surrounded by a sand filling;

“vent pipe” means a pipe constructed and installed to allow the escape of inflammable liquid vapour into the atmosphere.

2. Provisions of Other Laws

- (1) The provisions of these by-laws shall be in addition to, and not in substitution for, any other by-laws of the Council.
- (2) The provisions of these by-laws shall be in addition to the Occupational Health and Safety Act, no 85 of 1993 and any regulations published under the said Act.

CHAPTER 2 APPLICATION FOR THE APPROVAL OF PLANS

3. Application for the approval of plans

- (1) Every application for the approval of plans shall be made in writing to the Council.
- (2) Every such application shall be accompanied by a plan of the premises in respect of which a certificate is required, drawn to a scale of not less than 25,4mm to 304,8mm which shall specify –
 - (a) the premises, including their elevation with regard to adjacent buildings or structures above or below the ground, the inside dimensions shown in figures of any room, building, structure or storage tank in which inflammable liquid is to be stored, used or handled, and the material shown in writing with which such room, building, structure or storage tank is or is proposed to be constructed;
 - (b) full particulars, including position of any pump, storage tank, store, pipeline, dry-cleaning machinery, spraying room, spraying booth or ventilating equipment.
- (3) Every such application shall also be accompanied by a block plan of such premises drawn to a scale of not less than 25,4mm to 12,192 meters which shall specify –
 - (a) the premises and all open spaces with stand numbers thereof and the materials of which such premises are constructed or to be constructed;
 - (b) stands with numbers thereof immediately adjoining;
 - (c) names of any streets on which the site abuts and the township in which situated;
 - (d) the north point.

- (4) Where the plan relates to existing premises in respect of which a certificate of registration has been issued and wherein it is proposed to make alterations or additions to any apparatus lawfully used or intended to be used thereon for the storage or handling of inflammable liquid, a ground plan together with such application form only shall be submitted. Such ground plan shall be drawn to a scale of not less than 25,4mm to 304,8mm and shall not show such additions or alterations in relation to such existing premises or apparatus.
- (a) All plans shall be –
 - (b) signed by the owner or his agent;
 - (c) drawn in Indian ink on tracing linen or clear prints on cloth with white ground;
 - (d) coloured with fixed colours as follows:
 - (i) Block Plan – proposed premises, red; other existing buildings, grey or neutral tint; open spaces, uncoloured;
 - (ii) Other Plans – ventilation ducts, trunks or enclosures, blue; storage tanks, pumps, pipelines, dry-cleaning machinery and spraybooths, red; buildings in which inflammable liquid is to be stored, used or handled, uncoloured; other existing buildings where required, grey or neutral tint.
- (5) The prescribed tariff for every application for the approval of a plan or plans shall be paid on submission thereof, and on approval, such plan or plans shall become the property of the Council. On approval of such plans a written notice shall be issued with such conditions endorsed thereon as are deemed necessary in accordance with these by-laws.
- (6) The approval of plans of premises shall in no way imply the acceptance of any responsibility on the part of the Council in regard to such premises.

4. Certificate of Registration for Storage

- (1) No person shall store, use or handle inflammable liquid on any premises in excess of the under mentioned quantities –
- (a) Class A and Class B inflammable liquids: A total quantity of 45,46 liters.
 - (b) Class C inflammable liquid: A total quantity of 272,76 liters unless such person is in possession of a certificate of registration in respect of such premises.
- (2) No certificate of registration shall be issued in respect of any premises for the storage, use, or handling of inflammable liquids, unless application is made in writing to the Council, and accompanied by the prescribed fee as set out in Schedule I, and until the provisions of this chapter have been complied within in respect of such premises.
- (3) Such certificate may be issued subject to such conditions as are deemed necessary by the Council having regard to the circumstances pertaining to each application.
- (4) Such certificate shall state the maximum amount of each class of inflammable liquid to be stored, used or handled, the manner in which such liquid shall be stored, used or handled and the number of pumps, storage tanks and stores permitted on the premises.
- (5) Every such certificate shall be valid only for the period terminating on the next succeeding thirty-first day of December.
- (6) No certificate of registration other than a renewal thereof shall be issued in respect of any premises until the provisions of section 3 have been complied with and the application therefore has been approved by the Council.

5. Supply of Inflammable Liquids

No person shall supply or deliver or cause or permit any inflammable liquids to be supplied or delivered –

- (a) to any premises in excess of the quantities specified in section 4, the occupier of which is not in possession of a certificate of registration issued in terms of these by-laws in respect of the said premises;
- (b) to any premises in excess of the amount specified on the certificate of registration, relating to such premises.

6. Exemptions

Notwithstanding anything contained in this chapter –

- (a) inflammable liquids shall not be deemed to be stored or conveyed or transported when contained in the fuel tank of a motor vehicle or stationary engine in normal use as such;
- (b) any person may keep varnish, lacquer, vulcanizing cement or similar substances which are inflammable on any premises where –
 - (i) such substances are entirely contained in sealed metal containers;
 - (ii) no container is opened on such premises except in the open air or in a store as defined in section 1; provided that:
 - (aa) where 909 liters or more of such substances are kept in any room or building –
 - (i) such room or building shall be constructed of noninflammable material
 - (ii) fire appliances shall be installed at the satisfaction of the Council's technical assistant and building inspector;
 - (bb) where the total quantity of such substances is in excess of 4546 liters, such excess quantities shall be kept in a separate fireproof room or building or in a store as defined in section 1 –
 - (i) where the total quantity of such substances is greater than 22 730 liters, but such quantity does not exceed 4 546 liters above such 22 730 liters, such excess quantity shall be kept as provided in proviso (aa) (i) hereof;
 - (ii) where the total quantity of such substances is greater than 22 730 liters, such excess quantity shall be kept as provided in proviso (cc) hereof;
 - (cc) where such room or building is situated in an area outside the area described in Schedule IV to these by-laws 22 730 liters of such substances may be kept in such room or building, which shall be constructed in such a manner and surrounded by walls or bunds of such character that the substances contained in such room or building cannot escape therefrom, such walls or bunds to be of sufficient capacity to contain not less than 75 per cent of the maximum quantity capable of being stored therein.

7. When Approval of Plans Null and Void

The approval by the Council under section 3 of any plans shall be null and void if the provisions of this chapter have not been complied with within 1 (one) year after the date of such approval.

8. Conditions of Certificate of Registration

- (1) No person shall store, use or handle or cause or permit to be stored, used or handled on any premises –
 - (a) any quantity of inflammable liquid in excess of the amount stated on the certificate of registration, relating to such premises;

- (b) any inflammable liquid other than the class or classes specified on the certificate of registration, relating to such premises;
 - (c) any inflammable liquid in a manner other than that stated on the certificate of registration, relating to such premises;
 - (d) a greater number of pumps, storage tanks or stores than specified on the certificate of registration relating to such premises.
- (2) Any person in lawful possession of any certificate of registration may make written application to the Council for permission to amend the total quantity or class of inflammable liquid stated in such certificate. Such application shall only be granted by the Council when the proposed amendments is in conformity with the provisions of these by-laws. Where the Council has granted any such application, such person shall surrender the certificate of registration to the Council for amendment.

9. Display of Certificate of Registration

Every person to whom a certificate of registration has been issued shall affix and maintain such certificate in a conspicuous position on the registered premises. Such certificate shall be maintained at all times in such position and in legible condition.

10. Renewal of Certificate of Registration

Application for the renewal of a certificate of registration shall be made not later than the 15th day of December of the year prior to that for which such renewal is required on a form to be provided by the Council and shall be accompanied by the prescribed fee as set out in Schedule I. No plans of the premises in terms of section 3 shall be required in the case of a renewal of a certificate of registration unless called for by the Council.

11. Transfer of Certificate of Registration

- (1) A certificate of registration may be transferred from one person to another.
- (2) The person desiring such transfer shall make application in writing to the Council on a form to be provided by it for such purposes. Such application shall be accompanied by the prescribed fee as set out in Schedule I, together with the certificate of registration relating to the premises in respect of which such transfer is desired.
- (3) No certificate of registration shall be transferable from one premises to another.

12. Temporary Storage

- (1) The Council may in writing exempt from the provisions of section 4 for such period as it may deem necessary, any person wishing to store not more than 272,7 liters of Class A or Class B inflammable liquid or not more than 454,6 liters of Class C inflammable liquid required for or in connection with any excavation, building, road-making or other like operation of a temporary nature: Provided that –
 - (a) application is submitted in writing to the Council on a form to be obtained from it;
 - (b) suitable provision has been made to surround the containers of such inflammable liquid by walls or bunds of such a character that such inflammable liquid cannot escape from such walls or bunds either under the action of fire or otherwise;

- (c) at least one efficient chemical fire extinguisher of the foam type has been provided as set out in section 25.
- (2) Any person to whom an exemption has been made in terms of this section shall ensure that at all meant times –
 - (a) all reasonable precautions are taken to prevent any fire flame or other agency likely to ignite inflammable liquid or inflammable liquid vapour being brought into contact with such inflammable liquid or its vapour.
 - (b) such inflammable liquid is not placed within 4,6 meters of any protected work or public thoroughfare;
- (c) the provisions of paragraphs (b) and (c) of subsection (1) hereof are observed.

13. Installation and Erection

- (1) Immediately the installation of any pump, storage tank, filling device, drycleaning room, store, spraying room or other premises intended for the storage, use or handling of inflammable liquid has been completed, the occupier of the premises shall notify the Council in writing on a form to be obtained from it, of the date on which the work will be ready for inspection.
- (2) No person shall use or cause or permit to be used such pump, storage tank, filling device, dry-cleaning room store, spraying room or other premises for the storage, use or handling of inflammable liquid until such person is in possession of a certificate of registration relating thereto.

14. Additions and Alterations to Registered Premises

- (1) No additions or alterations to any existing registered premises shall be made unless and until a plan of the existing premises, together with the proposed work, has been submitted to the Council and approved by it in writing.
- (2) Such plan shall comply with the provisions of section 3.

15. Removal and Dismantling

- (1) Every person who removes or causes or permits to be removed any pump, storage tank or filling device from any registered premises other than a bulk depot shall give notice of such removal in writing to the Council on a form to be obtained from it.
- (2) The removal of any such pump, tank or filling device shall ipso facto cancel the certificate of registration in so far as it refers to such pump, tank or filling device, as the case may be, together with any other authority including any exemption granted under these by-laws and no such pump, tank or filling device shall be re- erected on such site unless and until a new certificate of registration has been obtained in the manner provided under these by-laws: Provided that the provisions of this section shall not apply in respect of any pump, storage tank or filling device which is temporary removed for the purpose of effecting repairs or replacements, excluding underground tanks.

16. Storage, Use and Handling on Registered Premises Prohibited in Certain Circumstances

Except as otherwise, provided in this chapter, no person shall store, use or handle, or cause to be stored, used or handled any inflammable liquids, on any registered premises -

- (a) where such inflammable liquid or its vapour comes or is likely to come into contact with any fire, flame, naked light or other agency likely to ignite such inflammable liquid or its vapour;
- (b) unless such premises are so situated or constructed or so protected by surrounding walls as not to expose any adjoining premises, room, building or other property to the risk of danger from fire;
- (c) so situated as to prevent or impede the escape of any person or animal in the case of fire or otherwise;
- (d) unless all equipment and apparatus used in such premises for the storage, use or handling of inflammable liquids is maintained in good and proper order and free from leakage of inflammable liquid;
- (e) unless such person has taken all due precautions for the prevention of accidents occasioned by fire or explosion on such premises, and for the prevention of unauthorized persons obtaining access to the inflammable liquid kept thereon.

17. Prohibition of Certain Acts

No person who stores, uses or handles or causes or permits to be stored, used or handled any inflammable liquid on any premises shall do or cause or permit to be done any act which tends or is likely to cause fire or explosion.

18. Notice to Discontinue Dangerous Method

- (1) Where on inspection of any premises it appears that any method of storage, use, transport or handling of inflammable liquid is in conflict with the provisions of these by-laws and is calculated to endanger the safety of the public or of any person employed in or on such premises, any duly authorized servant of the Council may require the immediate discontinuance of such method or the removal of the inflammable liquid to a place of safekeeping.
- (2) Any person failing to comply with any instructions of any duly authorized servant of the Council issued in terms of this section shall be guilty of an offence under these by-laws.

19. Inflammable Liquid Escaping Into Drains

No person shall cause inflammable liquid to enter any sewer or inlet or drain communicating with any sewer or any surface-water drain.

20. Prohibition Against Use of Devices and Pumps in Basements

No person shall use or cause or permit to be used in any basement any device for spraying inflammable liquid or any pump or other device for the issue or transfer of inflammable liquid to vehicles or containers.

CHAPTER 3 FILLING OPERATIONS

21. Filling Operations

- (1) No person shall transfer, other than at a bulk depot, any inflammable liquid from or to any road tank wagon unless such transfer is carried out under seal and in the case of such wagon the engine thereof is stopped and switched off.
- (2) The refueling of aircraft at an aerodrome or landing ground may be performed from a road tank wagon equipped with an approved power pump: Provided that the engine or engines of such aircraft are stopped and switched off.

22. Filling On or Across Public Sidewalks

No person shall -

- (a) take on or across any public sidewalk or cause or permit to be so taken the hose of a pump for the purpose of replenishing any vehicle or container with inflammable liquid;
- (b) so replenish or cause or permit to be so replenished any vehicle or container which is standing on any public sidewalk.

23. Replenishing Fuel Tanks

No person shall -

- (a) upon any registered premises strike a match or smoke a pipe, cigar or cigarette or ignite a petrol lighter or other similar contrivance or approach with any fire, flame, naked light or other agency likely to ignite inflammable liquid or its vapour within a distance of 3 meters of any fuel tank of any motor vehicle whilst such fuel tank is being replenished or is open;
- (b) replenish or permit to be replenished any such fuel tank while the engine of such motor vehicle is in motion.

24. Replenishing of Public Omnibuses

No person shall replenish or cause or permit to be replenished the fuel tank of any motor omnibus or carry or cause or permit to be carried any inflammable liquid in or on any motor omnibus except in the fuel tank thereof whilst any person other than the driver or person responsible therefore is within or upon such omnibus.

25. Fire Appliances

- (1) Except where otherwise provided in these by-laws, the person to whom the certificate of registration has been issued in terms of this chapter shall install or cause to be installed in all premises to which such certificate refers in an easily accessible and visible position on a wall or other suitable position not less than 1 meter above the level of the floor of the premises, fire extinguishers and fire buckets on the following scale:
 - (a) for each storage tank or store on the premises 2 (two) such fire extinguishers, which shall be of the foam type and 2 (two) such fire buckets: Provided that not more than 3 (three) such extinguishers and 6 (six) buckets shall be required to be installed in any premises;
 - (b) for each dry-cleaning room on the premises 3 (three) such fire extinguishers of the foam type and 2 (two) such fire buckets;
 - (c) for each spraying room 2 (two) such fire extinguishers, one of which shall be other than of the foam type, and 2 (two) such fire buckets.

- (2) Such extinguishers shall be efficient chemical fire extinguishers each of a capacity of 9 liter: Provided that where the Council's chief fire officer is of the opinion that foam type fire extinguishers will not serve the purpose, he may permit the installation of other efficient fire extinguishers.
- (3) Fire buckets shall be a metal fire bucket of a capacity of 9 liters, painted red with the words "FIRE/BRAND" painted in white and legibly maintained thereon and kept filled with dry sand.
- (4) Where, in terms of this chapter, any 9 liter chemical fire extinguisher is required to be installed, such extinguisher shall be a vessel or machine manufactured as a fire appliance in which the pressure necessary to project the extinguishing fluid or medium is generated automatically by chemical action and shall withstand an internal hydraulic test pressure of 136 kilogram per 6,45cm², which pressure shall be maintained for at least five minutes without leakage or distortion.
- (5) The person to whom a certificate of registration, spraying-room permit or transport permit has been issued in terms of these by-laws, shall maintain at all times on the premises or vehicle to which such certificate or permit refers –
 - (a) all fire extinguishers, buckets, appliances and alarms in accordance with the provisions of these by-laws; and
 - (b) all such equipment in good order and ready for immediate use.

26. Examination of Fire Appliances

- (1) Where, in terms of these by-laws, any chemical fire extinguisher, fire fighting equipment, or fire alarm has been installed on any premises, the occupier of such premises shall cause such extinguisher, equipment or alarm to be examined once every 12 months by the makers thereof or their duly authorized representatives or other qualified person.
- (2) Every such extinguisher, equipment and alarm shall bear a label on which such person examining it shall endorse his name, the date of examination and the condition, in his opinion, of the extinguisher, equipment or alarm at that date.

27. Reporting Accidents

The occupier of any premises shall immediately report to the Council any fire or accident involving inflammable liquid that has occurred in connection with any such premises, where such fire or accident has resulted in damage to any property or injury to any person.

28. Rules to be Observed on Unregistered Premises

- (1) No person shall store, use or handle or cause or permit to be stored, used or handled any inflammable liquid on any unregistered premises unless such inflammable liquid is stored, used or handled in such a position or in such a manner that –
 - (a) no inflammable liquid or its vapour comes or is likely to come into contact with any fire, flame or naked light or other agency likely to ignite such inflammable liquid or its vapour;
 - (b) in the case of fire the escape of persons or animals will not be prevented or impeded.
- (2) No person shall use or handle or cause or permit to be used or handled any inflammable liquid on unregistered premises except in a suitable place in the open air so that the fumes escape easily, or in a room provided with adequate ventilation to remove the fumes therefrom and effectively prevent the accumulation of fumes therein.
- (3) On unregistered premises inflammable liquid shall be stored only in a substantial container which shall be kept securely closed when not in immediate use.

29. Inspection of Premises

- (1) Any duly authorized servant of the Council may, for any purpose connected with the carrying out of the provisions of this chapter in accordance with the provisions of section 72 of the local Government Ordinance, 1939, enter upon any premises and make such examination and inquiry thereon as he may deem necessary.
- (2) The owner or occupier, or failing their presence on the premises, any other person employed thereon, shall upon demand disclose to such member or authorized servant the presence of any inflammable liquid in or upon such premises and shall answer all inquiries relating either to the observance of the provisions of this chapter or to any condition in connection with the certificate of registration.

30. Taking of Samples

Upon inspection of any premises by a member of the police or an authorized servant of the Council, such member or servant may take samples for the purpose of analysis or examination of any inflammable liquid or substance, or of any liquid or substance suspected of being inflammable, which is found upon such premises: Provided that -

- (a) any sample so taken shall be taken in the presence of the owner, occupier or other person in charge, as the case may be;
- (b) the owner, occupier or other person in charge may require the member or servant taking the sample to divide it into two parts and to mark, seal and deliver to him one such part.

31. Breach of Conditions

Any person who commits any breach of any condition endorsed on the approval notice or certificate or registration issued in terms of these by-laws shall be guilty of an offence under these by-laws.

CHAPTER 4**STORAGE TANKS, PUMPS PIPELINES AND CONTAINERS****32. Capacity of Underground Storage Tanks**

The capacity of any storage tank, if not within a bulk depot or an aerodrome or landing ground used by aircraft, shall not exceed 13 638 liters: Provided that a tank with a greater capacity than 13 638 liters may be installed on any premises where such tank is to be used for manufacturing purposes only.

33. Construction of Tanks

- (1) Every storage tank shall be constructed of iron, steel or other suitable metal plates of adequate strength and properly riveted and caulked, welded, brazed or otherwise secured by some equally satisfactory process.
- (2) The top and sides of such tank shall be supported and strengthened by such uprights, girders, angle-irons and ties as, having regard to the capacity, shape and situation of the tank, may be necessary to render it sufficiently strong for the purpose to which it is being put.
- (3) Every opening in any underground storage tank other than a vent pipe all be securely closed by an effective and properly secured cap, cover, or valve.
- (4) All pipes other than a ventilating pipe connected to the underground storage tank shall be carried down to within 100mm of the bottom of the tank.
- (5) Every above-ground storage tank shall have an adequate system of ventilation so as to prevent excessive internal pressure.

- (6) Every storage tank shall be maintained at all times in accordance with the respective provisions of this section.

34. Installation of Storage Tanks

- (1) Every underground storage tank shall –
- (a) be so installed that the top of the tank is not less than 610mm below the surrounding ground level, or covered with not less than a 153mm concrete mat and not less than 153mm of earth or sand;
 - (b) be set in firm foundations and wholly surrounded with soft earth or sand or encased in concrete;
 - (c) with the exception of any opening to the manhole, be covered with concrete adequately reinforced in all cases where vehicular traffic passes over such tank;
 - (d) be situated within the building line of the premises;
 - (e) where such tank is situated in or within 1,52 meters of any basement, be installed in a chamber of concrete not less than 153mm thick or brick not less than 230mm thick west in cement mortar with the space within the pit surrounding the tank completely filled with closely packed earth or stand: Provided that the provisions of this section shall not apply to any bulk depot.
- (2) Above-ground storage tanks shall be installed within a bulk depot only.

35. Ventilation of Underground storage Tanks

Every underground storage tank shall have a ventilating pipe of not more than 50mm nor less than 25mm internal diameter, which pipe shall –

- (a) be carried up to a height of not less than 3,65 meters into the open air;
- (b) have the upper end protected with a non-corrodible wire gauze of not less than 28 (twenty-eight) meshes to the 25,5mm secured in such a manner that such gauze may be removed for examination and cleaning;
- (c) terminate at least 6 meters away from any fire, flame or naked light or other agency likely to ignite inflammable liquid or its vapour.

36. Installation of Storage Tanks in Buildings

No storage tank shall be installed in or below any building which is more than one storey high, unless the ceiling above such tank is constructed of reinforced concrete.

37. Abandoned Tanks

In the event of any underground storage tank being abandoned, the owner of such tank shall cause same to be removed or filled with sand or concrete.

38. Entering of Storage Tanks

No person shall –

- (a) enter or cause or permit any person in his charge to enter any storage tank which has contained inflammable liquid until such tank has been totally freed from any inflammable liquid vapour, unless such person is wearing an efficient gas mask;
- (b) enter any storage tank at any time unless he is bound to a life-line which at surface level is under the control of a reliable person continuously responsible for the safety of the person in the storage tank.

39. Position of Pumps

- (1) No pump or other device used or intended to be used for the issue or transfer of inflammable liquid to any vehicle shall be erected outside the building line of any premises or within 3,65 meters of any entrance, or exit of a building adjoining any public place: Provided that –
 - (a) where such entrance or exit is set back from such public place the pump or device shall be erected not less than 3,65 meters from such public place;
 - (b) no such pump or device shall be erected in such a position that a hose can be used for the issue or transfer of inflammable liquid on or across any public place.
- (2) Sub-paragraph (i) of paragraph (e) of subsection (2) of section 60 shall not apply to pumps or filling devices already erected on registered premises at the time of coming into operation of these by-laws, or when a change of control or ownership of such premises occurs, unless the position of such existing pumps or filling device constitutes or is likely to cause a danger or obstruction to the public or vehicular traffic.

40. Pumps on Ramps

Pumps or other devices used or intended to be used for the issue of inflammable liquid to motor vehicles or containers shall not be erected on any ramp or within 3,65 meters of the beginning of the ramp.

41. Dipping sticks

Dipping sticks shall be made only of wood or brass or other non-ferrous metal or alloy.

42. Pump Hoses

Delivery of inflammable liquid from any pump or to fuel tank of any vehicle shall be made only through sound hose having an earthing wire in its construction efficiently attached to the metal of the pump and to the metal hose nozzle. Except at an aerodrome or landing ground used by aircraft no hose attached to any such pump shall exceed 4,57 meters in length measured from the pump to the tip of the nozzle.

43. Situation of Filling Pipes and Pumps

Every filling-pipe inlet shall be -

- (a) installed at not more than 153mm below the level of the surrounding surface;
- (b) installed in such position that it will not impede the escape of any person or animal from the premises in the case of fire;
- (c) so situated or protected by surrounding walls as not to expose adjoining property to the risk of danger from fire during any filling operations or otherwise.

44. Naked Lights and Electrical Apparatus

- (1) No person shall install or take or cause or permit to be installed or taken any fire, flame, naked light or other agency likely to ignite inflammable liquid or its vapour except an incandescent electric light within 3 meters of any inflammable liquid pump.
- (2) No person shall place or cause or permit to be placed any electric switch, fuse, motor or other such device within a distance of 3 meters of any pump unless such switch, fuse, motor or device is of flame-proof construction.
- (3) The electrical wiring between the distribution board or junction box and the pump shall, where possible, be in one continuous length of wire: Provided that where this is not possible, flame-proof junction boxes shall be used.

45. Maintenance of Tanks, Pipelines and Pumps

- (1) All tanks, pipelines, pumps, machinery, fittings appurtenances for the storage, use or handling of flammable liquid shall be –
 - (a) of sound an proper construction;
 - (b) so installed and fixed as not to be liable to be damaged;
 - (c) efficiently electrically earthed;
 - (d) free from leakage of inflammable liquids, and as far as is reasonably possible free from leakage of inflammable liquid vapour, except by means of a vent pipe;
 - (e) maintained in good an proper order and at all times in accordance with the provisions of this section.
- (2) All pipelines shall be below ground level and at right angles to the building line when crossing a public footwalk.
- (3) All electrical earth connections required under this section shall be examined once every 12 months by a qualified person who shall enter in a suitable log book, supplied by the occupier of the premises and kept solely for that purpose, the efficiency and conditions of such earth, his name and address and the date of the examination. All such entries shall be signed by such qualified person and shall be readily available for inspection by any duly authorized servant of the Council.

46. Construction of Portable Containers

No person shall store or convey or cause or permit to be stored or conveyed in any one container any Class A or Class B inflammable liquid in a quantity exceeding 46 liters unless such container is constructed of metal not less than 26mm in thickness.

47. Filling of Containers

No person shall carry on or cause or permit to be carried on the trade, business or occupation of filling containers with Class A or Class B inflammable liquid other than in a fire-resisting building used solely for such purpose, or in the open air at a distance of not less than 15 meters from any fire, flame, naked light or other agency likely to ignite inflammable liquid or its vapour.

48. Quantity in Containers

No container shall be filled with inflammable liquid to more than 95 (ninety-five) per cent of its capacity.

49. Containers After Delivery

No person taking delivery of any inflammable liquid in containers in excess of the quantity stated in section 4 or under circumstances of temporary storage provided in section 12, shall cause or permit such containers to remain unattended in any place other than a store or storage tank for a longer period than may be reasonably necessary which in no circumstances shall exceed a period of 12 (twelve) hours.

50. Storage of Empty Containers

- (1) No person shall place any empty containers or cause or permit any empty container to be placed in any premises other than a store: Provided that –
 - (a) such a container may be stored in the open air at a distance of not less than 6 meters from any fire, flame, naked light or other agency likely to ignite inflammable liquid or its vapour;
 - (b) no person shall cause or allow any empty container to remain in or on any public place.
- (2) Every empty container so stored shall at all times be securely closed with a bung or other suitable stopper.

51. Repairing of Containers

No person shall carry out or permit to be carried out any repairing operations to any container until all inflammable liquid and inflammable liquid vapours have been removed from such container.

52. Marking of Containers

No person shall supply or deliver to any person Class A or Class B inflammable liquid in any container of less than 182 liters capacity unless such container bears in conspicuous letters the words "INFLAMMABLE / ONTVLAMBAAR".

**CHAPTER 5
STORES****53. Capacity of store**

The certificate of registration issued in respect of any store shall state the class and maximum quantity of inflammable liquid permitted to be kept in such store at any one time.

54. Danger Notice on Store

No person shall use as such or cause or permit to be used any inflammable liquid store, unless the words "DANGER – INFLAMMABLE LIQUID – DO NOT SMOKE OR CARRY MATCHES OR CIGARETTE LIGHTERS WITH YOU / GEVAAR – ONTVALMARE VLOEISTOF – MOENIE HIER ROOK OF VUURHOUTJIES OF SIGARETAANSTEKERS MET U SAAMDRA NIE" in letters not less than 76mm in height, together with the class and maximum quantity of inflammable liquid allowed to be kept in such store are legibly painted on the outer face of the door of such store. Such notice shall at all time be maintained in such position and in a legible condition.

55. Construction and Situation of Stores (Other than Stores in Recognized Bulk Depots and Installations)

(1) Every store shall be constructed in accordance with the following requirements –

- (a) The walls shall be constructed of brick or concrete, the floor of concrete or other impervious material, and the roof of reinforced concrete: Provided that the roof may be constructed of other non-inflammable material where such store is not likely to endanger any room, building or adjoining premises in case of fire.
- (b) The store shall be fitted with a hardwood door, suitably covered with metal of not less than 20 gauge, carried on a metal doorframe, or a well-fitted metal door, of not less than 25mm thickness, carried on an angle-iron frame and having an all round overlap of not less than 25mm. Such door shall open outwards and be fitted with a substantial lock.
- (c) All window frames shall be constructed of metal and glazed with wire-woven glass.
- (d) Every store shall be constructed in such manner, or surrounded by walls or bunds of such a character that the inflammable liquid contained therein cannot escape therefrom. The well formed by such walls or bunds shall be of sufficient capacity to contain the maximum liquid capacity of the store plus 10 (ten) per cent thereof.
- (e) The store shall be ventilated by a system of ventilation of such design, construction and capacity as will adequately prevent the accumulation of inflammable liquid vapour within all portions of such store and discharge such vapour into the open air at a point or points where such vapour is not likely to come into contact with any fire, flame, open light or other agency likely to ignite such vapour: Provided that where, for any reason, such ventilation can only be secured by means of a mechanical system of ventilating such system shall conform to the provisions of section 97. All ventilating openings which are fitted into walls shall be set in iron frames and fitted tightly to the interior faces of the walls. The low ventilating openings shall be installed as near the well level as possible.
- (f) The openings shall be protected by non-corrodible wire gauze of not less than 28 (twenty-eight) meshes per lineal 25mm.

- (g) A store shall not be situated in such a position that it will impede the escape of any person or animal from the premises, or endanger any room, building or premises in the case of fire;
 - (h) Any store with a floor area in excess of 9m² shall be provided with at least two doors, constructed as described in paragraph (b) of this subsection, situated at such a distance from each other as to allow the free and unimpeded escape of persons within the store from either door in case of fire or other danger.
- (2) Subject to the requirements of section 3 and notwithstanding anything to the contrary contained in these by-laws, a store may be constructed of non-inflammable material if –
- (a) such store has not building nearer to it than 30 meters;
 - (b) it is surrounded by the necessary wall or impervious bund as laid down in paragraph (a) of subsection (1) of this section.
- (3) Every store shall be maintained at all times in accordance with the provisions of this section.

56. Lighting of Store

All lights installed shall be of the incandescent electric type which shall be enclosed in a flame-proof fitting and all wiring shall be armoured cable or enclosed in seamless and flame-proof metal tubes, the junctions of which are screwed together. All switches, junction boxes, fuses and other electrical equipment shall be outside the store.

57. Use of Store

No person shall –

- (a) use any store or cause or permit such store to be used for any purpose other than the storage of inflammable liquid, oils and their containers;
- (b) cause or permit or allow any other person to be engaged in any store unless all the doors of the store are fully open and kept entirely unobstructed.

58. Unauthorized Persons Entering Store

No person shall enter any store or cause or permit any store to be entered without the permission of the occupier or other responsible person in charge of such store.

CHAPTER 6 BULK DEPOTS

59. Danger Notice at Entrance

Prominent notice boards bearing the words "DANGER – INFLAMMABLE LIQUID – DO NOT SMOKE / GEVAAR – ONTVLAMBARE VLOEISTOF – MOENIE HIER ROOK NIE" in letters not less than 153mm in height shall be erected at all entrances to bulk depots and shall at all times be maintained in such position and in a legible condition.

60. Storage

- (1) Inflammable liquid shall be stored in bulk depots as follows –
 - (a) underground storage tanks;
 - (b) above-ground storage tanks; and
 - (c) bulk stores.
- (2)
 - (a) Every such above-ground storage tank or group of such tanks with a total capacity of over 54 500 liters, shall be surrounded by either an embankment (hereafter called a retaining embankment) or a retaining wall of brick or concrete (hereinafter called a retaining wall), so designed and constructed as to form a reservoir capable of containing the quantity of liquid required to be retained in accordance with paragraph (e) of subsection (2) of this section: Provided that the top of such retaining embankment or retaining wall shall be at least 76mm higher than is necessary to contain and retain such quantity of liquid.
 - (b) The retaining embankment shall be at least 610mm thick at the top with slopes on each side of 1½ (one and one-half) to 1 (one). Such embankment shall be constructed with a core of concrete not less than 203mm thick at the top with a batter on each side of 1 (one) in 24 (twenty-four) to the level of the interior of the area enclosed. The core shall be taken down of the same thickness as at this level to such depth depending on the nature of the soil, as will effectually prevent any leakage of liquid. The earthwork round the core shall be composed of materials well watered and consolidated.
 - (c) A retaining wall shall be constructed in accordance with the following requirements -
 - (i) It shall be capable of resisting the full overturning moment of the liquid in the enclosed reservoir when filled to within 76mm of the top with a liquid of the same specific gravity as water.
 - (ii) If such wall constitutes a partition between two reservoirs it shall be capable of withstanding thrust from either side.
 - (iii) Every retaining wall shall be taken down to such depth and be provided with such foundations depending on the nature of the soil, as will ensure stability in all respects and effectually prevent any leakage of liquid.

- (iv) Every retaining wall of reinforced concrete shall be not less than 153mm in thickness at the top and the tensile portion of the stresses shall be wholly taken up by steel rods placed not nearer the surface thereof than 50mm.
 - (v) The concrete stress shall not exceed 318 kilograms per 6,45m² and the stress in the steel 7 257 kilograms per 6,45m² under fully loaded conditions.
 - (d) Adequate provision shall be made to dispose of any water which may be retained by any such retaining embankment or wall. Any drain pipe through such embankment or wall shall be fitted with a cast-iron valve on the outside which, except when in use shall be kept closed and adequately locked.
 - (e) The retaining capacity of such enclosed reservoir surrounding any tanks or group of tanks shall be as follows –
 - (i) Where there is not more than one tank within such storing place, 90 per cent of the total capacity of the tank.
 - (ii) Where there are not more than two tanks within the same enclosed reservoir, 80 per cent of their total capacity.
 - (iii) Where there are three or more tanks within the same enclosed reservoir, 75 per cent of their total capacity.
 - (f) The area enclosed by such retaining embankment or wall not occupied by any storage tank shall, except for the purpose of carrying out repairs, alterations or additions to such tanks, be kept entirely free and unoccupied.
 - (g) The provisions of paragraphs (b) and (c) of subsection (2) of this section do not apply to any reservoir in use at the date of promulgation of these by-laws.
- (2) Every bulk store shall be –
- (a) constructed of non-inflammable material;
 - (b) adequately ventilated to prevent the accumulation of inflammable liquid vapour;
 - (c) so designed and constructed as to be capable of containing and retaining either under the action of fire or otherwise 50 (fifty) percent of the total quantity of liquid contained therein.

61. Tank Distances

- (1) Subject to subsections (2) and (3), all storage tanks must, in regard to the sizes set out in the first column hereto, be separated from the boundary of the bulk depot and from each other by the distances set out in the second and third columns hereto respectively:

Capacity of tank	Distance from boundary	Distance between tanks
Litres	Metres	Metres
Up to 54000	10	1,5
Up to 81000	12	2
Up to 108000	15	2,5
Up to 135000	17	5
Up to 216000	20	7,5
Up to 337500	22	9
Up to 450000	25	10
Up to 900000	25	12,5
Up to 2250000	25	15
Up to 4500000	25	20
Over 4500000	25	25

- (2) Where tanks of varying capacities are to be grouped the distances from the boundaries must be observed but the distances between individual tanks may be not less than the sum of the specified distances for each size of tank divided by two.

- (3) No building or structure may be erected for the filling of inflammable liquids into containers within 25 metres of any storage tank or within 12 metres of the boundary of any bulk depot.
- (4) If a person fails to comply with a provision in this section, Council may serve a notice of compliance on the person.

62. Electric Motors

No person shall place or cause or permit to be placed any electric motor in any position where it is likely to come into contact with any inflammable liquid or its vapour unless such motor is of flame-proof or explosion proof construction.

63. Fire Appliances

- (1) Every bulk storage depot shall be connected to the Council's water supply by not less than a 50mm lead.
- (2) A fire-pump connection for each fire service shall be installed in a position approved by the Council and within easy access of a street hydrant.
- (3) A reflux valve to shut off the supply from the street mains when the pump connection is being used shall be fitted between the stand boundary and the pump connection.
- (4) Standard pattern wheel valve hydrants fitted with Morris's instantaneous 50mm couplings shall be located in positions approved by the Council and adjacent to buildings and tanks used for inflammable liquid storage at the rate of one for every 465 square meter of floor area and one within 91,5 meters of each bulk storage tank.
- (5) 50mm canvas fire hose and branch pips with a 76mm nozzle of sufficient length for the adjacent area which is served by such hydrant shall be provided.
- (6) Wheeled foam type extinguishers of not less than 155 liters capacity, or other similar type of extinguishers together with foam-making branch pipes, shall be installed where deemed necessary and required by the Council. Every building used for the storage of inflammable liquid or inflammable substances shall be provided with 9 liter foam type chemical fire extinguishers at the rate of 2 (two) for every 464 square meters of floor area.
- (7) An adequate system of alarm in case of fire (such as bell, whistle or siren) shall be installed.
- (8) Every person employed at or in the bulk depot shall be periodically instructed in the use of all fire appliances.

64. Filling of Road Tank Wagons

The filling of a road tank wagon with inflammable liquid shall not be commenced or carried out at a bulk depot -

- (a) at a lesser distance than 7,6 meters from any storage tank or building above ground or boundary of such depot;
- (b) unless and until all pipes have been efficiently earthed;
- (c) unless good and sufficient metallic contact has been made and is maintained between such wagon and the metal pipeline to prevent the building up of a static charge of electricity on such wagon.

65. Starting of Engine at Filling Point

No person shall at a bulk depot start or cause or permit to be started the engine of a road tank wagon or any mechanically propelled vehicle if such road tank wagon or vehicle is within 6 meters of any place where filling operations are taking place not under seal or in any place in which such wagon or vehicle comes or is likely to come into contact with inflammable liquid or its vapour.

66. Steam Engines

- (1) No person shall drive or otherwise bring any road steam engine into any bulk depot.
- (2) No occupier or person authorized by the occupier to be in charge shall permit such road steam engine to enter any bulk depot.
- (3) Where necessary for steam locomotives to enter a bulk depot, the occupier shall erect a notice board bearing the words "LOCOMOTIVES MUST NOT PASS THIS POINT / LOKOMOTIEWE MAG NIE BY HIERDIE PUNT VERBYGAAN NIE" in letters not less than 153mm in height in a conspicuous position at a distance of not less than 15 meters from any operation dealing with inflammable liquids or storage thereof.
- (4) No inflammable liquid or open container containing inflammable vapour shall be placed or stored at a distance of less than 15 meters from any portion of the track which may be traversed by a steam locomotive.

67. Admission to Depots

No person shall -

- (a) enter any bulk depot without the express permission of the occupier or the person authorized by the occupier to be in charge of such depot;
- (b) enter any bulk depot in possession of any matches, cigarette lighters or similar contrivances;
- (c) commit any act which is liable or calculated to cause fire or an explosion or endanger the depot or its contents.

68. Supervision of Depots

The occupier of a bulk depot shall ensure that a responsible person shall at all times during working hours be on constant duty at such depot to ensure against fire hazards or other contingencies which may be a danger to life or property, and that a reliable watchman is always on duty at the depot after normal working hours.

CHAPTER 7 TRANSPORT OF INFLAMMABLE LIQUID

69. Transport Permit

Save as provided in section 79 no person shall use or cause or permit to be used in any public place within the Council any vehicle for the delivery of inflammable liquid unless and until he is in possession of a transport permit issued to him by the Council on respect of such vehicle.

70. Issue of transport Permit

- (1) No transport permit shall be granted in respect of any vehicle unless and until such vehicle –
 - (a) has been exhibited for examination at such place as the Council may direct and the examination fee as prescribed in Schedule II has been paid;
 - (b) complies with the conditions of fitness relating to such vehicle as laid down by the Road Traffic Ordinance, 1957, and any regulations promulgated thereunder;
 - (c) complies with the requirements of section 71.
- (2) Such transport permit shall –
 - (a) continue in force for a period of 6 (six) months or such lesser period as may be stated in such permit;
 - (b) be affixed to the vehicle in respect of which such transport permit was issued;
 - (c) be maintained on such vehicle in a good and legible condition by the owner or person in control of such vehicle in a position so as to be plainly visible.

71. Construction of Vehicles

- (1) Every road tank wagon shall be constructed in accordance with the following requirements –
 - (a) The vehicle shall be strongly constructed and as far as is reasonably possible shall be constructed of non-inflammable material.
 - (b) Where electric lighting or other electrical devices are employed, the electrical circuit shall be heavily insulated and the wiring so fixed and protected as to reduce as far as reasonably possible any risk of damage. The generator, battery(ies), fuses or switches shall not be situated in any position whereby they are likely to come into contact with any inflammable liquid or its vapour.
 - (c) The tank shall be constructed of iron, steel or other suitable metal and riveted, welded, brazed or otherwise made liquid-tight.
 - (d) Means of cutting off the electricity close to the battery by a double-pole switch or other suitable method shall be provided.
 - (e) Any tank having a capacity exceeding 3 636 liters shall be divided into liquid-tight compartments, each compartment to be of a capacity of not more than 3 636 liters ullage (tolerance) of not less than 2 (two) per cent but not more than 5 (five) per cent shall in addition to the above be allowed in each compartment.
 - (f) The tank shall be securely attached to and in metal contact with the vehicle.
 - (g) The draw-off pipes of the tank shall be fitted with internal valves and with strong and secure taps and suitable caps. The taps and caps shall be protected from damage by the frame of the vehicle or other effective means.
 - (h) Efficient ventilating openings shall be fitted to each tank compartment and all such openings shall be covered with fine wire gauze of not less than 28 (twenty-eight) meshes to the lineal 25mm and provided with a cock or valve: Provided that the Council's chief fire officer may permit the installation of other types of ventilating openings where these are shown to be equally efficient.
 - (i) Adequate provision shall be made to earth such vehicle efficiently so as to prevent accumulation of a static charge of electricity in any part thereof, and, in addition, each pipe connection to the tank shall be so fitted as to ensure complete electrical connection between the tank and any receptacle being supplied with liquid therefrom.
 - (j) All electrical earth connections required under this section shall be examined and entered into a logbook as required under section 45.
 - (k) The total capacity, including ullage (tolerance), of any road tank wagon or any combination of such wagons used for the delivery of inflammable liquid within the Council shall not exceed 21 821 liters.

- (2) Every vehicle other than a road tank wagon shall be -
 - (a) of adequate capacity and construction to convey safely the quantity of inflammable liquid which it is desired to convey on such vehicle;
 - (b) equipped with at least four wheels: Provided that a trailer forming a portion of an articulated vehicle shall for the purpose of this paragraph be deemed to be equipped with four wheels;
 - (c) so constructed and equipped as not to be likely to ignite any inflammable liquid which may be conveyed in or on such vehicle.

72. Maintenance of Vehicles

No person shall use or cause or allow to be used in any public place any vehicle for the transport of inflammable liquid unless such vehicle is in good condition and in proper working order.

73. Opening of Tank

All openings in the tank of any vehicle used for the transport of inflammable liquid shall be kept securely and effectively closed at all times when not in use.

74. Supervision of Wagon by Responsible Person

Every road tank wagon shall be under the constant supervision of a responsible person during the period such tank wagon is in use as such anywhere other than at a bulk depot.

75. Fire Extinguishers

- (1) No person shall use or cause or permit to be used any road tank wagon unless same is provided with at least one efficient 9 liter chemical extinguisher, which shall be of the foam type, and 4,54 liters CTC (Carbon-Tetra-Chloride) fire extinguisher.
- (2) Such extinguishers shall be attached to the road tank wagon in such a position and in such a manner as to be readily and easily accessible in the case of fire.

76. Agencies Likely to Ignite Inflammable Liquid

No person shall -

- (a) bring or cause or permit to be bought any fire, flame or other agency likely to ignite inflammable liquid or its vapour within 3 meters of any vehicle in which inflammable liquid is transported;
- (b) carry or permit to be carried any matches, cigarette lighters or similar contrivances on any vehicle used for the transport of inflammable liquid;
- (c) while in attendance on such vehicle smoke or permit any other person thereon to smoke during the transport of inflammable liquid or the filling of such vehicle with inflammable liquid or the discharge of such liquid therefrom; or
- (d) smoke within 3 meters of such vehicle during the filling of such vehicle with inflammable liquid or the discharge of such liquid therefrom or while in attendance thereon permit any other person so to smoke.

77. Precautions

Every person responsible for or concerned in the conveyance of inflammable liquid shall take all reasonable precautions for the prevention of accident by fire or explosion and for the prevention of access by any unauthorized person to any container whilst in transit.

78. Restriction of scope of Certain By-Laws

- (1) The provisions of sections 69 and 76 (inclusive) shall not apply to the conveyance of inflammable liquid on a vehicle, not being a road tank wagon –
 - (a) of a quantity not exceeding 182 liters of Class A or B inflammable liquid or 364 liters of Class C inflammable liquid in securely closed metal contains of a capacity not exceeding 45,5 liters; or
 - (b) of a quantity not exceeding 600 liters of Class A or B inflammable liquid or 1 000 liters of Class C inflammable liquid contained in securely closed metal containers of a capacity not less than 182 liters.
- (2) Such containers shall be substantially constructed and packed in such a manner as to prevent leakage and obviate becoming broken, defective or insecure in the course of conveyance.
- (3) No inflammable liquid shall be so conveyed upon or through any thoroughfare in or on any steam-driven vehicle or in or on any trailer or other vehicle drawn by a vehicle or driven.

CHAPTER 8**DRY-CLEANING ROOMS – GENERAL****79. Certificate for Dry-cleaning Room**

- (1) No person shall use or cause or permit to be used any room as a drycleaning room unless and until such room has been duly registered as such under these by-laws.
- (2) No certificate shall be issued in respect of any premises for use as a drycleaning room unless and until such premises comply with the requirements of these by-laws.
- (3) The provisions of sections 3 to 11 (inclusive) and section 14 shall mutatis mutandis apply to a certificate under this section.

80. Use of Dry-cleaning Room

No dry-cleaning room shall be used for any purpose other than that of drycleaning and purposes reasonably incidental thereto.

81. Installation of Machinery

- (1) No person shall install or cause or permit to be installed any dry-cleaning machinery such as washing machines, hydros, clarifiers, stills or settling tanks elsewhere than in the dry-cleaning room.
- (2) All machinery shall be efficiently electrically earthed.
- (3) All such earth connections shall be examined and entered in a logbook as required under section 45.

82. Boilers

No boiler, including the chimney thereof, shall be installed within 6 meters of any dry-cleaning room: Provided that a boiler may be installed not nearer than 3 meters to any dry-cleaning room where there is an unbroken brick or concrete wall between such boiler or its chimney and such room of a height of not less than 457mm above the top of the boiler and its chimney and not less than 1,82 meters above the floor of the dry-cleaning room.

83. Draining of Machinery

All containers above ground, such as washing machines, clarifiers, stills or similar appliances shall be drained immediately after the termination of cleaning operations each day.

84. Electrical Equipment

- (1) No person shall install or cause or permit to be installed in a dry-cleaning room or in any position where it comes or is likely to come into contact with inflammable liquid or its vapour, any electrical machinery or other electrical apparatus other than –
- (a) an incandescent electric light enclosed in a flame-proof fitting;
 - (b) electric wires protected throughout by seamless and flame-proof metal tubes, the junctions of which are screwed together;
 - (c) one electrical pushbutton switch of flame-proof construction which shall be situated not less than 1,2 meters above the level of the floor and which shall be so constructed and connected as to be of use in the case of an emergency to stop the machinery;
 - (d) electric motors of flame-proof construction.

85. Handling of Inflammable Liquid

The storage tank shall be connected to the dry-cleaning machinery and no inflammable liquid shall be handled during any cleaning process: Provided that a quantity not exceeding 18 liters at any one time may be handled in one or more containers for the purpose of hand-washing or spotting.

86. Danger Notice at Entrance

The words "DANGER – DO NOT SMOKE / GEVAAR – MOENIE HIER ROOK NIE" shall be prominently displayed in letters not less than 153mm high outside every entrance to every dry-cleaning room and shall at all times be maintained in a legible condition.

87. Removal of Foreign Matter and Metallic Substances from Garments

No person shall dry-clean or cause or permit to be dry-cleaned any article of clothing or other textile unless and until such article has been thoroughly examined and all materials such as matches, metallic substances, metal buttons and other matters which are liable to cause sparks have been removed therefrom.

88. Instructions to Employees

The occupier shall cause all persons employed in the dry-cleaning room to be thoroughly instructed as to the hazards involved in the use of inflammable liquids and in the handling of all fire appliances required by these by-laws to be on the premises and shall repeat such instructions quarterly.

89. Unauthorized Persons or Acts

- (1) No person other than a person employed on the premises shall enter any dry-cleaning room without the express permission of the occupier or person in charge.
- (2) No person shall commit any act which is liable or calculated to cause fire, explosion or other danger to a dry-cleaning room or its contents.

90. Position of Machinery

All dry-cleaning machinery, such as washing machines, hydros, clarifiers, stills and settling tanks, shall be situated as near as reasonably possible to the exhaust ducts required by section 97.

91. Shafting

Where any machinery is driven by means of shafting from motive power outside the dry-cleaning room, the driving shaft shall pass through a gas-proof wall box which shall be installed at the point where such shafting enters such drycleaning room.

92. Scouring or Brushing Table

Every table used for washing or brushing any material with inflammable liquid shall comply with the following requirements -

- (a) Such table shall be provided with a liquid-tight top with a curb on all sides not less than 25mm high.
- (b) The top of such table shall be so pitched as to ensure thorough draining by a pipe of not less than 25mm diameter directly connected to an underground tank through a trap which shall prevent the return of vapour.
- (c) Metal top shall be effectively electrically earthed.
- (d) Such table shall be so secured to the floor or wall as not to disturb the earth and drain connections.

93. Portable Lamps

No person shall take or cause or permit to be taken any flash lamp or any other light or lamp into any dry-cleaning room except an incandescent electrical light or safety lamp which has been fitted with a flame-proof fittings.

CHAPTER 9**SPECIAL PROVISIONS WHERE CLASS A AND B INFLAMMABLE LIQUIDS ARE USED FOR DRY-CLEANING****94. Construction of Dry-Cleaning Rooms**

Every dry-cleaning room shall be constructed in accordance with the following requirements -

- (a) The walls shall be constructed of brick or concrete or similar suitable material, the floor of concrete or other impervious material and the roof of fire-resisting material.
- (b) All windows shall be glazed with wire-woven shatter-proof glass and shall be of the opening type.
- (c) All doors and door frames shall be of metal and the doors shall have an all-round overlap of 25mm or more and shall not be less than 25mm in thickness.
- (d) A sill of concrete at least 153mm in height shall be erected across all door openings at surface level or the floor of the room shall be 153mm below the adjacent surface level.

- (e) The dry-cleaning room shall be situated not closer than 1,5 meters to any public thoroughfare or adjacent buildings unless the wall or walls which are exposed to such thoroughfare or building are constructed without openings: Provided that not more than 2 (two) sides of any drycleaning room shall be without openings.
- (f) There shall be at least two doors opening outwards directly into the open air. Such doors shall be so situated and at such a distance from each other as to allow the free and unimpeded escape of persons within the dry-cleaning room through either door in the case of fire or other danger.
- (g) No dry-cleaning room shall have any opening into any other room or building: Provided that subject to compliance with the conditions hereunder set out any room used or intended to be used solely for the purpose of drying materials which have been cleaned or treated with inflammable liquid may be constructed under the same roof as the drycleaning room –
 - (i) such drying room shall be separated from the dry-cleaning room by a wall constructed of non-inflammable material; and
 - (ii) the entrance to such drying room shall be provided with a metal door and frame.
- (h) No dry-cleaning room shall be situated below or above any other room or building.
- (2) Every dry-cleaning room shall be maintained at all times in accordance with the provisions of this section.

95. Steam Pipes

- (1) Every dry-cleaning room shall be fitted with at least one steam pipe not less than 25mm in diameter. Every such pipe shall be provided with –
 - (a) perforation or jets of at least 2,5mm in diameter and so spaced as to give as near as practicable an equal distribution of steam in such a manner that such room can be immediately flooded with steam in case of fire;
 - (b) a steam trap or other effective means of preventing the accumulation of water within such pipe.
- (2) An adequate steam supply for such pipe or pipes shall be maintained continuously while any inflammable liquid is contained in any washing machines, clarifiers, stills or similar appliances.
- (3) Such steam supply system shall be provided with a valve places in the supply pipe and situated outside the building in an easily accessible position I the case of fire.

96. Ventilation of Dry-Cleaning Room

- (1) Every dry-cleaning room shall be ventilated with a mechanical system of exhaust and inlet ventilation of such design, construction and capacity as will adequately remove inflammable liquid vapour open from such room and discharge such vapour into the air at a point above the roof of such room and not less than 4,5 meters from any opening to any building.
- (2) Such system of ventilation shall cause the air in the cry-cleaning room to be changed at least thirty times in every hour.
- (3) The blades of all ventilating fans shall be made of non-ferrous metal.
- (4) All exhaust ventilation ducts shall be installed –
 - (a) as near ground level as practicable: Provided that where any such duct or any portion thereof is situated at a level which is less than 153mm above the level of the dry-cleaning room floor adequate provision shall be made to prevent the escape of inflammable liquid therefrom in the case of fire or otherwise;

- (b) as near as practicable to the points of origin of inflammable liquid vapour of the dry-cleaning machinery such as washing machines, hydros, clarifiers, stills, settling tanks and such like.
- (5) Any person discovering a fire in any dry-cleaning room shall immediately take all possible steps to shut down the exhaust ventilating system.

CHAPTER 10**SPECIAL PROVISIONS WHERE CLASS C INFLAMMABLE LIQUID IS USED FOR DRY-CLEANING****97. Construction of Dry-Cleaning Room**

Every dry-cleaning room shall be constructed and maintained in accordance with the following requirements -

- (a) The walls shall be constructed of brick or concrete or other similar suitable material and the floor of concrete or other impervious material and the roof of fire-resting material.
- (b) A still of concrete at least 153mm in height shall be erected across all door openings at surface level or the floor of the room shall be 153mm below the adjacent surface level.
- (c) There shall be provided at least two doors opening outward, one of which shall lead directly into the open air. Such doors shall be so situated and at such a distance from each other as to allow free and unimpaired escape of persons in the dry-cleaning room through either door in the case of fire or other danger.
- (d) No dry-cleaning room shall be situated below or above any other room or building: Provided that a room or building may be constructed above a dry-cleaning room, if such room or building is not used as a habitable room and is provided with adequate means of escape to the satisfaction of the chief officer of the Council's fire brigade.

98. Ventilation of Dry-Cleaning Room

- (1) Every dry-cleaning room shall be ventilated by a system of ventilation of such design, construction and capacity as will adequately prevent the accumulation of inflammable liquid vapours within any portion of such room and discharge such vapour into the open air at a point or points where such vapour is not likely to come into contact with any fire, flame, open light or other agency likely to ignite such vapour: Provided that where for any reason such ventilation can only be secured by means of a mechanical system of ventilation such mechanical system shall conform to and comply with the provisions of section 97.
- (2) Applicability of certain sections -
 - (a) The provisions of section 98 and subsection (1) of section 99 shall apply to dry-cleaning rooms only where Class C inflammable liquids are used.
 - (b) The provisions of sections 95, 96 and 97 shall apply to drycleaning rooms only where Classes A and B inflammable liquid vapours are used for dry cleaning.

CHAPTER 11**SPRAYING ROOMS****99. Registration of Spraying Rooms**

- (1) No person shall spray or cause or permit to be sprayed any vehicle or article with any inflammable liquid in any spraying room unless such person is in possession of a spraying-room permit in respect of such room.
- (2) The provisions of sections 3 to 11 (inclusive) and section 14 shall mutatis mutandis apply to a permit under this section.

100. Issue of Spraying-room Permit

No spraying-room permit shall be granted in respect of any spraying-room unless and until such room complies with the requirements of these by-laws.

101. Construction of Spraying Room

- (1) Every spraying room shall be constructed in accordance with the following requirements –
- (a) Non-inflammable materials only shall be used in the construction thereof.
 - (b) There shall be installed an exhaust method of ventilation such as will adequately remove vapours from and be capable of changing the air in the spraying room at least 30 (thirty) times in every hour.
 - (c) Where a spraying room is sub-divided into spraying booths as described in subsection (d) hereof, each such booths shall be ventilated in accordance with subsection (b) hereof.
 - (d) Where a part of the whole of any spraying room is sub-divided by partitions into separate compartments or booths (hereinafter described as spraying booths) such spraying booths shall be constructed of metal or other non-inflammable material.
 - (e) All exhaust vents leading from spraying rooms or spraying booths shall be so designed and constructed that all vapours are expelled into the open air at a point of not less than 3,65 meters above the level of the ground and at a distance of not less than 4,57 meters from the opening to any building and such vents shall be constructed of non-inflammable material.
 - (f) All ventilation inlets and outlets shall be so placed as to effect a continuous and complete change of air within any such spraying room or spraying booth. The ventilation inlets shall be substantially equivalent to the exhaust capacity provided in terms of these by-laws. The ventilation or spraying shall be so arranged that all inflammable liquid vapours shall pass as near as reasonably possible directly into the ventilation outlets.
 - (g) The blades of any fan used in the spraying room shall be of nonferrous metal.
 - (h) No electrical equipment shall be installed in the spraying room other than –
 - (i) incandescent electric lights enclosed in flame-proof fittings;
 - (ii) electric wires protected throughout by seamless and flameproof metal tubes, the junctions of which are screwed together;
 - (iii) electrical apparatus of flame-proof construction used for ventilating purposes.

102. Danger Notices at Entrance

The words "DANGER – DO NOT SMOKE / GEVAAR – MOENIE HIER ROOK NIE" shall be prominently displayed in letters not less than 153mm high outside the entrance to every spraying room, and shall at all times be maintained in a clearly legible condition.

103. When Permits is Not Required

Nothing contained in sections 100 to 103 (inclusive) shall contemplate the prohibition of the spraying with inflammable liquid of any vehicle or article in the open air of such spraying is not within a distance of 15 meters from any fire, flame, open light or other liquid likely to ignite such inflammable liquid or its vapours.

104. Authentication and Service of Notices

- (1) Notices, orders and other such documents under these by-laws requiring authentication by the Council shall be sufficiently authenticated if signed by the Municipal Manager, or his duly authorized deputy, the Council's technical assistant, or the building inspector.
- (2) Notices, orders and any other documents required or authorized to be served under these by-laws may be served by delivering the same to or at the residence or place of business of the person to whom they are respectively addressed, or where addressed to the owner or occupier of premises, by delivering the same or a true copy thereof to some person on the premises, or if there is no person on such premises who can be so served, by fixing the same on some conspicuous part of the premises; they may also be served by post by a prepaid letter, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the notice, order or other document was properly addressed and put into the post.
- (3) Any notice by these by-laws required to be given to the owner or occupier of any premises may be addressed by the description of the "Owner" or "Occupier" of the premises (to be named) in respect of which the notice is given, without further name or description.

105. Penalty for Breach of these By-Laws

Any person acting in contravention of these by-laws shall be guilty of an offence and shall be liable -

- (a) to a fine not exceeding R2 000 or, in default of payment thereof, to imprisonment for a period not exceeding 3 (three) months; and
- (b) in the case of a successive or continuing offence, to a fine not exceeding R500 for every day such offence continues, or in default of payment thereof, to imprisonment for a period not exceeding 1 (one) month.

CHAPTER 12

CARBIDE

106. Definitions

For the purpose of this chapter, unless the context indicates otherwise -

- (a) "**carbide**" means carbide of calcium
- (b) "**person**" includes any individual, company or corporate body or partnership or other association of persons;
- (c) "**registered premises**" means premises registered by the Council under these by-laws for the storage of carbide of calcium;
- (d) "**certificate of registration**" means a certificate issued by the Council authorizing any person to use the premises therein specified for the storage of carbide.

107. Certificate of Registration for Storage

- (1) No person shall keep or store carbide in excess of 907 kilograms on any premises unless he is in possession of a certificate of registration in respect of such premises.
- (2) No certificate of registration shall be issued to any person in respect of any premises for the storage of carbide until the provisions of these bylaws have been complied with in respect of such premises.

- (3) Such certificate --
 - (a) shall state the maximum amount of carbide permitted to be stored on the premises;
 - (b) may be issued subject to such conditions as are deemed necessary by the Council having regard to the circumstances.
- (4) Every such certificate shall be valid for the period terminating on the next succeeding thirty-first day of December.
- (5) No certificate of registration other than a renewal thereof shall be issued in respect of any premises until the provisions of section 110 have been complied with and the application has been approved by the Council.

108. Application for a Certificate of Registration

- (1) Every application for a certificate of registration accompanied by the prescribed fee shall be made in writing to the Council on a form to be provided by it for the purpose.
- (2) Every such application shall be accompanied by a plan of the premises in respect of which the certificate is required, drawn to a scale of not less than 25mm to 305mm and showing the elevation of the premises in relation to adjacent buildings above or below the ground.
- (3) Every such application shall also be accompanied by a block plan drawn to a scale of not less than 25mm to 12 meters which shall specify --
 - (a) the premises and all open spaces with stand numbers thereof;
 - (b) stands with numbers thereof immediately adjoining;
 - (c) names of any streets on which the site abuts and the township in which situated;
 - (d) the north point.
- (4) Where the plan relates to existing premises in respect of which a certificate of registration has been issued in terms of these by-laws and to which it is proposed to make alterations or additions, only a ground plan together with such application form and the prescribed fee need be submitted. Such ground plan shall be drawn to a scale of not less than 25mm to 305mm and shall show such additions or alterations in relation to the existing premises.
- (5) All plans shall be
 - (a) signed by the owner or his agent;
 - (b) drawn in Indian ink on tracing linen or clear prints on cloth with fixed colours as follows --
 - (c) coloured with fixed colours as follows --
BLOCK PLAN:
Proposed premises or alteration: Red
Other existing buildings: Grey or Neutral
Open spaces: Uncoloured
- (6) The prescribed tariff for every application for approval of a plan or plans shall be paid on submission thereof, and on approval, such plan or plans shall become the property of the Council. On approval of such plan a written notice shall be issued with conditions thereon as are deemed necessary by the Council.
- (7) The approval of plans of premises shall in no way imply the acceptance of any responsibility on the part of the Council in regard to such premises.
- (8) The approval by the Council under these by-laws of any plans shall be null and void if the provisions of these by-laws are not complied with within 1 (one) year after the date of such approval.

109. Conditions of Certificate of Registration

- (1) No person shall store or cause or permit to be stored any quantity of carbide on any premises in excess of the amount stated on the certificate of registration relating to such premises.
- (2) Any person in lawful possession of any certificate of registration may make written application to the Council for permission to increase the total quantity of carbide which may be stored in terms of such certificate. Such application shall be granted by the Council only if the proposed increase is permissible in terms of these by-laws. When the Council has granted any such application, such person shall surrender his certificate of registration to the Council for amendment.

110. Renewal of Certificate of Registration

Application for the renewal of a certificate of registration shall be made not later than the 15th day of December of the year prior to that for which such renewal is required, on a form to be provided by the Council, and shall be accompanied by the prescribed fee. No plans of the premises shall be required in the case of a renewal of a certificate of registration unless called for by the Council.

111. Transfer of Certificate of Registration

- (1) A certificate of registration may be transferred from one person to another.
- (2) The person desiring such transfer shall make application in writing to the Council on a form to be provided by it for such purpose. Such application shall be accompanied by the prescribed fee together with the certificate of registration relating to the premises in respect of which such transfer is desired.
- (3) No certificate of registration shall be transferable from one premises to another.

112. Additions and Alterations to Registered Premises

No additions or alterations to any registered premises shall be made unless and until a plan prepared in accordance with the provisions of sub-section (4) of section 110 has been submitted to and approved by the Council in writing.

113. Fire Appliances

The person to whom a certificate of registration has been issued shall install or cause to be installed in the premises to which such certificate refers, in an easily accessible and visible position on a wall or other suitable position not less than 900mm above the level of the floor of the premises, 6 (six) fire buckets filled with dry sand, of a capacity of 9 liters each, painted in red with the word "FIRE / BRAND" painted in white and legibly maintained thereon.

114. Rules to be Observed

- (1) No person shall store or cause or permit to be stored any carbide on any premises whether registered or unregistered unless such carbide is stored –
 - (a) in such a position that it is not in dangerous proximity to any fire, flame, open light or other agency likely to ignite inflammable or explosive gas;
 - (b) in a dry and well ventilated position;
 - (c) in such a position that in the case of fire or explosion the escape of persons or animals from such premises will not be prevented or impeded;
 - (d) in closed metal containers.

115. Inspection of Premises

- (1) Any member of the South African Police or any duly authorized servant of the Council, may for any purpose connected with these by-laws, at all reasonable times and without previous notice, enter upon any premises and make such examination and enquiries thereon as he may deem necessary.
- (2) The owner or occupier or, failing their presence on the premises, any other person employed thereon, shall upon demand disclose to such member or authorized servant the presence of any carbide in or upon such premises and shall answer all enquiries relating either to the observance of these by-laws, or to any condition in connection with the certificate of registration.

116. Construction of Store

- (1) Every store, room or building used for the storage of carbide in excess of 907 kilograms, shall –
 - (a) be substantially constructed of non-inflammable material;
 - (b) be of such construction and condition that all the contents thereof shall be maintained in a dry condition;
 - (c) be adequately ventilated to prevent the accumulation therein of inflammable or explosive gas;
 - (d) be so situated that gases which may be discharged therefrom are not likely to come into contact with any fire, flame, open light or other agency likely to ignite inflammable or explosive gas;
 - (e) have no opening into or communication with any other room or building in which persons reside or which is used for public assembly or stabling of animals.
 - (f) be so constructed and situated that there is no possibility of danger from an fire, flame, open light or other agency likely to ignite inflammable or explosive gas;
 - (g) be situated at ground level.

Provided that any such store, room or building used for the storage of carbide in excess of 9 000 kilograms unless situated at a distance of not less than 30 meters from any other building shall be constructed of brick or concrete and with a roof constructed of non-inflammable material and shall have no opening into or communication with any other room or building.

117. Danger Notice on Store

No person shall use or cause or permit to be used any store, room or building for the storage of carbide in excess of 907 kilograms unless and until the words "DANGER – CARBIDE / GEVAAR – KARBIED" in letters not less than 153mm in height are legibly painted on the outer face of the door of such store, room or building. Such notice shall at all times be maintained in such a position in a legible condition.

118. Purity

No person shall store, use, sell or expose for sale any carbide which is not commercially pure: Provided that no carbide containing any impurity liable to generate phosphoretted or silicuretted hydrogen in such quantities as to render the gas evolved likely to ignite spontaneously, shall be considered to be commercially pure for the purpose of this section.

119. Seizure and Removal of Carbide

Where any member of the South African Police or any authorized official of the Council has reasonable grounds to believe that any storage of carbide on any premises is contrary to the provisions of these by-laws, he or she may seize and detain such carbide and may either require the owner or occupier or, failing their presence on the premises, any other person employed thereon, to detain the carbide in these premises or in any other premises under his or her control, or may remove it in such manner and to such premises as will in his opinion least endanger the public safety, and there detain it or take such other measures as may be necessary for the protection of the public.

120. Breach of Conditions

Any person who commits any breach of any condition endorsed on the approval notice or certificate of registration issued in terms of these by-laws shall be guilty of a contravention of these by-laws and on conviction shall be liable to a fine not exceeding R2 000 and to a further penalty of R500 for every day during which the breach continues, or in default of payment thereof to imprisonment for a period not exceeding 1 (one) month.

CHAPTER 13**REVOCATION OF BY-LAWS**

By-laws on inflammable liquids and substances previously made by the Council or its constituent Predecessors in respect of any portion of the area of the Makhado Municipality, are hereby repealed in so far as they are inconsistent with the provisions of these By-laws.

SHORT TITLE AND COMMENCEMENT

These by-laws will be known as the **Makhado Municipality Environment: Inflammable Liquids and Substances By-laws** and shall come into operation on the date of publication thereof in the Provincial Gazette.

**CHAPTER 14
SCHEDULES****SCHEDULE I
TARIFF OF FEES FOR CERTIFICATES OF REGISTRATION AND TRANSFERS IN TERMS OF
SECTIONS 3, 10 AND 11 (2)**

Description of Premises Half yearly Yearly

A Bulk depots

B Dry-cleaning room

C Spraying room

Certificate of registration issued to premises other than the above:

D Up to 2 273 liters storage capacity

E Up to 4 546 liters storage capacity

F Up to 22 730 liters storage capacity

G Over 22 730 liters storage capacity

H Transfer of a certificate of registration

For every certificate of registration the annual fees shall be as prescribed in this Schedule: Provided that if liability to pay the fees arises on or after the first day of July in any year the fees payable shall be half the annual amount.

**SCHEDULE II
FEES FOR EXAMINING VEHICLES FOR TRANSPORT PERMIT
Description of Vehicle Half-yearly**

Road tank wagon

Motor vehicle other than a road tank wagon, designed to be used for the delivery of inflammable liquids in excess of the amount permitted under section 79 (1) (a) and (b).

Any vehicle other than a motor vehicle or road tank wagon, designed to be used for the delivery of inflammable liquids in excess of the amount permitted under section 79 (1) (a) and (b)

The methods of testing flash points shall be those set forth in the Specification of Standard Methods for the Determination of Flash Point of Petroleum and other Inflammable Products published by the South African Standards Institution (November, 1938).

**SCHEDULE III
TARIFF OF FEES PAYABLE FOR CERTIFICATES OF REGISTRATION AND
TRANSFERS IN TERMS OF SECTIONS 110 AND 111**

To be announced

LOCAL AUTHORITY NOTICE 206

MAKHADO LOCAL MUNICIPALITY

OUTDOOR SIGNS (ADVERTISING AND OTHER) BY-LAWS

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CHAPTER 1 INTERPRETATION AND APPLICATION

1. Interpretation

In these By-laws, unless the context otherwise indicates -

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

"advertisement" means any visible representation of a word, name, letter, figure, object, mark or symbol or of an abbreviation of a word or name, or of any combination of such elements with the object of conveying information;

"advertising" means the act or process of notifying, warning, informing, making known or any other act of conveying information in a visible manner;

"advertising structure" means any physical structure built or erected to display an advertisement;

"aerial sign" means any sign which is affixed to or produced by any form of aircraft and which is displayed in the air;

"affix" includes to paint onto and **"affixed"** has a corresponding meaning;

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

"area of control" means an area in which a degree of control is applied in accordance with the visual sensitivity of the area, the degree of landscape sensitivity of the area, and traffic safety conditions within the area;

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

"basic landscape sensitivity" indicates the visual or aesthetic sensitivity of each of the different landscapes with regard to outdoor advertisements and signs, each of which landscapes falling within a specific area of control;

"billboard", means any screen or board larger than 18 square metres, supported by a free-standing structure, which is to be used or intended to be used for the purpose of posting, displaying or exhibiting an advertisement and which is also commonly known as an advertising hoarding, and of which the main function is to advertise non-locality bound products, activities or services;

"bit of information" refers to the basic unit for measuring the length of advertising messages and may consist of letters, digits, symbols, logos or abbreviations;

"blind" means a vertical screen attached to a shop-window or veranda in order to keep sun and rain from a shopfront or sidewalk and which may be rolled up when not in use;

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

"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;

"centre of economic activity" means an urban area of high economic activity, and includes all business districts, regional and neighbourhood shopping centres;

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

"combination sign" means a single, free-standing advertising structure for displaying information on various enterprises and services at locations approved by the municipality;

"Council" means the Makhado Municipal Council;

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

"deemed consent" means approval by section 9 for the display of a sign, and for the display of which the municipality does not require specific consent;

"degree of landscape sensitivity" means a refinement of basic landscape sensitivity which may include, apart from a refined visual sensitivity, traffic safety conditions as a criterion for sensitivity rating, and it is expressed in terms of area of control;

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

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

"displaying" includes exhibiting, affixing or attaching of an advertisement or sign and the erecting of any structure if such structure is intended solely or primarily for the support of such advertisement or sign and an attempt to do any of aforesaid, and the word 'display' carries a similar meaning;

"engineer" means a person who is registered in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000), as a certified engineer, engineering technician, professional engineer or professional technologist (engineering);

"facade" means the principal front or fronts of a building;

"flashing sign" means a sign in which the visibility of the contents is enhanced by the intermittently appearing and disappearing of the advertisement displayed, or the advertisement being illuminated with varying intensity or colours, either manually, mechanically, electronically or digitally;

"flat sign" means a sign which is affixed to an external wall but not to a parapet wall, balustrade or railing of a veranda or balcony of a building used for commercial, office, industrial or entertainment purposes and which at no point projects more than 600mm from the surface of such a wall and which may consist of a panel or sheet or of individual numbers, letters or symbols;

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

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

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

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

"gateway" means a prominent entrance to or exit from an urban area or a specific part of an urban area consisting of man-made or natural features and creating a strong sense of arrival or departure;

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

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

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

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

"inflatable" means a plastic, rubber or other object which is inflated with the purpose of drawing attention to itself and on which an advertisement is or is not displayed;

"landscape sensitivity" means the visual or aesthetic sensitivity of the landscape, and may include traffic safety conditions, with regard to outdoor advertisements and signs, and is expressed in terms of "basic landscape sensitivity" or "degree of landscape sensitivity";

"locality bound sign" means a sign displayed on a specific site, premises or building and which refers to an activity, product, service or attraction located, rendered or provided on that premises or site or inside that building;

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

"main roof of a building" means a roof of a building other than the roof of a veranda or balcony;

"main wall of a building" means any external wall of a building, but does not include a parapet wall, balustrade or railing of a veranda or a balcony;

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

"municipality" means the Makhado Local Municipality, and when referred to as –

- (a) an entity, means Makhado Local Municipality as described in section 2 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and

- (b) a geographic area, means the municipal area of the Makhado Local Municipality as determined in terms of the Local Government : Municipal Demarcation Act, 1998 (Act No 27 of 1998);
- (c) a person, means any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"non-locality bound sign" means a sign displayed on a site, premises or building and which refers to an activity, product, service or attraction which is not located, rendered or provided on that premises or site or inside that building;

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

"person who displays a sign" includes:

- (a) the owner of the sign;
- (b) the owner or occupier of the land or structure on which the sign is displayed;
- (c) the person to whose goods, trade, business or other concerns publicity is given by the sign;
- (d) the person who causes the sign to be displayed or who undertakes to maintain the sign; and
- (e) a body corporate;

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

"projecting sign" means any sign which is affixed to a main wall of a building which is used for commercial, office, industrial or entertainment purposes and which at any point projects more than 300 millimetres from the surface of the main wall and is affixed at a right angle to the street line;

"public place" includes any public road, sanitary passage, square or open space shown on a general plan of a township or settlement, filed in any deeds' registry or surveyor-general's office, and all land (other than erven shown on the general plan) the control whereof is vested, to the entire exclusion of the owner, in the municipality or to which the owners of erven in the township have a common right, and all property belonging to an organ of state;

"road traffic sign" means a road traffic sign as defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996);

"roof sign" means a sign on the main roof of a building which has fifteen or less floors, which building is used or partly used for commercial, office, industrial or entertainment purposes;

"rural landscape" refers to areas of transition between developed urban areas and relatively unspoiled natural areas outside the Municipal area, such as peri-urban small-holdings of a rural nature with a low population density, and natural areas;

"sign" means -

- (a) an advertisement;
- (b) an object, structure or device which is in itself an advertisement or which is used to display an advertisement; or
- (c) an object, structure or device which is not in itself an advertisement or which is not necessarily or solely used to display an advertisement;

"sky sign" means a sign, which may form an important landmark, between 75 square metres and 150 square metres in size on top of a high-rise building in the municipal area;

"specific consent" means the written approval by the municipality under section 10 to display a sign;

"spectacular" means a custom-made billboard which incorporates special effects such as internal illumination, cut-outs, three-dimensional, electronic or digital representations;

"street furniture" means public facilities and structures which are not intended primarily for advertising, but which are provided for pedestrians and commuters, and includes seating benches, planters, pavement litter bins, pole-mounted bins, bus shelters, pavement clocks, telephone booths, traffic signal control boxes, and drinking fountains;

"swinging sign" means a sign that is not rigidly and permanently fixed;

"teardrop flag" means a sign in the shape of a feather or inverted teardrop which consists of a light-weight, flexible or rigid frame covered with material, and which is normally planted into the ground or placed on movable footing;

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

"third-party advertising" means the advertising of goods which are not manufactured, produced, sold or delivered from a property on which the sign of those goods or services is displayed;

"trailer advertisement" means a sign which is temporarily or permanently attached to and positioned on a trailer or caravan or any other similar kind of vehicle which is used for the sole purpose of advertising;

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

"urban area" means a built-up area within the Municipality;

"urban landscape" means an urban area or any part of an urban area;

"vehicular advertising" means advertising on a self-driven vehicle which is normally driven on land or water and which is normally moving;

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

"visual zone" means a zone visible from an urban freeway, but does not include visually isolated spaces behind buildings, structures or landscape features which cannot be seen from such a freeway;

"walking poster" means a poster or posters which is suspended from a person's shoulders or attached to a person;

"window sign" means a sign which is permanently painted on or attached to the window-pane of a building.

2. Purpose of By-laws

The Makhado Local Municipality must exercise its powers under these By-laws in the interests of amenity, public safety and business interests, and must take into account the considerations that -

- (a) signs or advertisements may 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 the signals, light nuisance or otherwise;
- (b) signs or advertising that are displayed in its human living environment must be aesthetically pleasing, appropriate and placed at appropriate sites with an uncluttered effect, as the cluttering of signs at any one particular site is unacceptable;
- (c) material changes in circumstances are likely to occur, which may affect the municipality's decisions regarding consent which it has granted for the display of a sign, and regarding zoning; and
- (d) no sign may -
 - (i) be detrimental to the environment or to the amenity of a human living environment by reason of size, shape, colour, texture, intensity of illumination, quality of design or materials or for any other reason;
 - (ii) be in its content objectionable, indecent or suggestive of indecency or prejudicial to the public morals;
 - (iii) unreasonably obscure, partially or wholly, any sign owned by another person previously erected and legally displayed; and
 - (iv) block views across vistas from prominent public places, or in gateways of urban areas.

3. Application

Subject to section 15, these By-laws apply to the display of any sign on any site in any of the areas of control in the Makhado Municipality, including both public property as well as private property on which a sign is displayed which is visible from any public place.

4. Legislative framework

These By-laws fall within the legislative framework of the following Acts:

- (a) Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);
- (b) Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000); and
- (c) Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

CHAPTER 2
AREAS OF CONTROL, SIGNS, AND REQUIREMENTS AND CONDITIONS THAT RELATE TO EACH SIGN

5. Areas of control, and exemptions

- (1) The areas of control as contained in Schedule 36 and as may be re-classified by resolution of the municipality from time to time, pertain.
- (2) For the purposes of these By-laws the following areas of control exist:
 - (a) Rural areas of maximum control;
 - (b) urban areas of maximum control;
 - (c) urban areas of partial control;
 - (d) urban areas of minimum control; and
 - (e) areas of maximum control in which advertising is prohibited.
- (3) A person who intends to display a sign must verify that the sign may be displayed in a particular area of control.
- (4) The municipality has determined and declared the areas set out in Schedule 38 to be prohibited advertising areas within which no person may display any sign or advertisement.
- (5) The areas of control in which particular classes and types of signs may be displayed are identified in the Schedules which are specified in section 7(2).
- (6) Extraordinary circumstances prevailing in a certain area in the municipality may require the municipality to declare the area exempt from the provisions of these by-laws, and in determining whether extraordinary circumstances exist which justify exemption, one or more of the following may be taken into consideration:
 - (a) Whether an urban renewal programme is in place which warrants a unique approach to outdoor advertising within its focus area;
 - (b) whether exemption from these by-laws will contribute to the success of the urban renewal programme;
 - (c) whether the organisers of an international sports, arts or cultural festival require exemption from these by-laws to contribute to the success of the said festival;
 - (d) the nature and function of the defined area;
 - (e) the enhancement of the defined area, which can be achieved by means of exemption;
 - (f) the financial benefit to either or both the municipality or the urban renewal programme accruing from such an exemption;
 - (g) the nature and extent of outdoor advertising, which will be permitted in terms of the proposed exemption; and
 - (h) whether the exemption granted will be in the public's general interests.
- (7) In the event of a special event, the municipality may, on application and payment of the fee determined by the municipality, grant, subject to any conditions it may deem necessary, an exemption from specific terms of these by-laws in respect of the sign types or areas of control, having regard to –
 - (a) the area of control where it is proposed to display the sign;
 - (b) the nature of the event;
 - (c) the duration of the erection or display of the sign;
 - (d) the size of the proposed sign;
 - (e) any traffic, safety, environmental or heritage impact assessment as may be required by the municipality; and
 - (f) the outcome of any public participation process, if so required by the municipality.

6. Signs, requirements and conditions

The schedules in section 7 have effect and -

- (a) identify the class to which each of the different kinds of signs belong, and provide a general description of the characteristics and functions of each of the different kinds of signs; and
- (b) lay down the specific conditions relating to the display of each of the different kinds of signs.

7. Schedules

(1) The classes of signs, the signs, the Schedules that relate to each of the signs, are as follows:

- (a) Class 1: billboards and other high-impact free-standing signs, comprising -
 - (i) class 1(a), super billboards, schedule 1;
 - (ii) class 1(b), custom-made billboards, schedule 2;
 - (iii) class 1(c), large billboards, schedule 3; and
 - (iv) class 1(d), small billboards and tower structures, schedule 4;
- (b) class 2: posters and general signs, comprising -
 - (i) class 2(a), large posters and signs on street furniture, schedule 5;
 - (ii) class 2(b), banners, flags and inflatables, schedule 6;
 - (iii) class 2(c), suburban signs, schedule 7;
 - (iv) class 2(d), temporary signs, comprising -
 - (aa) class 2(d)(i), estate agents' boards, schedule 8;
 - (bb) class 2(d)(ii), sale of goods, property or livestock signs, schedule 9;
 - (cc) class 2(d)(iii), lampposts, pavement posters and notices schedule 10;
 - (dd) class 2(d)(iv), project boards, schedule 11; and
 - (ee) class 2(d)(v), temporary window signs, schedule 12;
 - (v) class 2(e), street name advertisement signs, schedule 13;
 - (vi) class 2(f), neighbourhood watch signs and signs relating to similar schemes, schedule 14; and
 - (vii) class 2(g), product replicas and three-dimensional signs, schedule 15;
- (c) class 3: signs on buildings, structures and premises, comprising -
 - (i) class 3(a), sky signs, schedule 16;
 - (ii) class 3(b), roof signs, schedule 17;
 - (iii) class 3(c), flat signs, schedule 18;
 - (iv) class 3(d), projecting signs, schedule 19;
 - (v) class 3(e), veranda, balcony, canopy, and underawning signs, schedule 20;
 - (vi) class 3(f), signs painted on walls and roofs, schedule 21;
 - (vii) class 3(g), window signs, schedule 22;
 - (viii) class 3(h), signs incorporated in fabric of building, schedule 23;
 - (ix) class 3(i), signs on forecourts of business premises, schedule 24;
 - (x) class 3(j), signs for residential-oriented land use and community services, schedule 25;
 - (xi) class 3(k), on-premises business signs, schedule 26;
 - (xii) class 3(l), signs on towers, bridges and pylons, schedule 27; and
 - (xiii) class 3(m), signs on construction site boundary walls and fences, schedule 28;
- (d) class 4: signs for tourists and travellers, comprising -
 - (i) class 4(a), sponsored road traffic projects signs, schedule 29;
 - (ii) class 4(b), service facility signs, schedule 30;
 - (iii) class 4(c) tourism signs; schedule 31;
 - (iv) class 4(d), functional advertising signs by public bodies, schedule 32; and
- (e) class 5: mobile signs, comprising -
 - (i) class 5(a), aerial signs, schedule 33;
 - (ii) class 5(b), vehicular advertising, schedule 34; and
 - (iii) class 5(c), trailer advertising, schedule 35.

(2) The areas of control are set out in schedule 36.

(3) The figures which illustrate the restrictions on advertising opportunities inside and adjacent to road reserves at traffic intersections are contained in Schedule 37.

(4) The areas in which the display of signs is prohibited are set out in schedule 38.

CHAPTER 3 CONSENT AND WITHDRAWAL OR AMENDMENT OF CONSENT

8. Consent, and contracts

- (1) A sign may not be displayed without consent that was granted by the municipality -
 - (a) by section 9 (referred to in these By-laws as "deemed consent"); or
 - (b) by section 10 (referred to in these By-laws as "specific consent").
- (2) Consent for the display of a sign includes consent for the use of the site for the purposes of the display, whether by the erection of structures or otherwise, however consent granted for the erection of an advertising structure cannot be construed as consent to use the structure for advertising purposes.
- (3) A person who displays a sign on Municipal land is a tenant at will, as set out in the lease agreement with the municipality, if applicable.
- (4) Since new types of signs are continuously being developed, and since the use of existing signs may become undesirable, it is provided that -
 - (a) a person who intends to display a sign -
 - (i) for which no provision is made in these By-laws;
 - (ii) which does not fall within any of the categories of signs provided for in these By-laws; or
 - (iii) the display of which is of such nature that it does not fall within the ambit of what is understood as 'display' in these By-laws,
 must, before such a sign is displayed, apply for approval of the sign and for the display of the sign in terms of section 10, and the municipality may furthermore prescribe conditions applicable to the sign or the display of the sign; and
 - (b) the municipality may in writing notify a person who is displaying a sign, the display of which is found by it to be undesirable, to remove or cease the display of the sign.
- (5) A lease of land within the jurisdiction of the municipality does not confer the right to use the land solely for the purpose of advertising.
- (6) If a sign is not appropriate to the type of activity on or zoning of the erf or site to which it pertains, the sign and the display thereof may be considered on its merits by the municipality in terms of the municipality's Outdoor Advertisement policy and the SAMOAC guidelines.
- (7) The municipality may require from a person who intends to display a sign -
 - (a) to enter into a contract, such as, but not limited to, an agreement, with the municipality where the sign is to be attached to a municipal asset, or to be erected on municipal land or land vested in the municipality, and the municipality will determine the duration of the contract and the fees to be paid by the person to the municipality; and
 - (b) where the municipality so requires, to sign an indemnity form in favour of the municipality and the municipality's service providers.

9. Deemed consent

- (1) Deemed consent is hereby granted for the display of those particular classes and types of signs as specified in the Schedules, in the areas of control contemplated for each such class or type of sign, and persons displaying those particular classes and types of signs do not need to apply for consent, subject to subsection (2) .
- (2) The said deemed consent to display a sign is not absolute.
- (3) A person who intends to display a sign on private or Municipal land and has deemed consent is exempt from the provisions of section 10, but must comply with sections 18, 19, 20, 21 and 22.
- (4) The municipality has the right to determine areas of control and control measures related to certain types of signs to which deemed consent is applicable.

10. Specific consent, application, factors which municipality may consider, and renewal

- (1) A person who intends to display a sign on private or Municipal land and who needs to obtain the specific consent of the municipality as specified in the Schedule that relates to the sign, must –
 - (a) complete the necessary application form and comply with all the other requirements and conditions which are specified in the application form;
 - (b) lodge two copies of the application form with the municipality;
 - (c) obtain the consent of the municipality before he or she may display or alter the sign;
 - (d) comply with all the other provisions of these By-laws; and
 - (e) upon lodging of the form contemplated in paragraph (b) pay all the prescribed fees and charges as determined by the municipality from time to time.
- (2) The municipality, when it considers the application, may have, in addition to other relevant factors, due regard to the following:
 - (a) That no sign should be so designed or displayed that it will –
 - (i) be detrimental to the environment or to the amenity of the neighbourhood because of size, intensity of illumination, quality of design or materials, or for another reason;
 - (ii) constitute a danger to any person or property;
 - (iii) obliterate other signs;
 - (iv) be unsightly or impact detrimentally upon an architectural design;
 - (v) impair the visibility of a road traffic sign; or
 - (vi) affect the safety of motorists or pedestrians;
 - (b) the size and location of the proposed sign and its alignment in relation to an existing sign on the same building or erf and its compatibility with the visual character of the area surrounding it;
 - (c) the fact that the proposed sign is to be located directly on or in the vicinity of trees, rocks, hill sides, other natural features and areas of civic and historic interest;
 - (d) the number of signs which is displayed or to be displayed on the erf or building concerned, and its legibility in the circumstances in which it is seen; and
 - (e) the merits of the sign if the sign is not appropriate to the type of activity on or zoning of the erf or site to which it pertains.
- (3) The municipality may require that additional drawings, calculations and other information be submitted on application and may require a certificate by an engineer. The certificate must give sufficient details –
 - (a) to enable the municipality to establish if the proposed means of securing, fixing or supporting of a sign is sufficient to resist all loads and forces to which it may be exposed; and
 - (b) regarding the sufficiency of the margin of safety against failure, in compliance with the provisions of Regulation B1 of the National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977).
- (4) The municipality may grant consent subject to any condition it may deem expedient, or may refuse consent.
- (5) The municipality must, within 60 days after the application form has been lodged, notify the applicant in writing if consent has been refused or granted, and if consent is granted, the municipality must forward a notice of approval and one set of the application form and other documents that were submitted by the applicant to the applicant, and specify in the notice of approval the duration of the term of the consent.
- (6) A sign must be displayed within 12 months after the date on which the municipality granted consent, otherwise the consent expires.
- (7) The municipality must keep a register which is open to public inspection at all reasonable hours and which contains particulars of –
 - (a) the application which was made to the municipality for specific consent for the display of a sign;
 - (b) the name and address of the applicant;
 - (c) the date of the application;
 - (d) the type of sign concerned; and
 - (e) any conditions relating to the display of the sign.

- (8) When a time period, which was specified in the approval expires, an application for renewal must, at least 60 days, if possible, prior to the expiry, be submitted for consideration of approval should a person who displays a sign intends to continue the display of the sign, and should the municipality refuse consent to display the sign, the person who displays the sign must forthwith cease to display the sign.
- (9) A person who must cease to display a sign must remove all structures or supports on which the sign was erected and rehabilitate the site on which the structures were erected.
- (10) The Municipality may, after at least 14 days written notice to the advertiser, at any time, withdraw an approval granted by it or its predecessor, or amend any condition or impose a further condition in respect of consent granted, if a sign or sign structure –
 - (a) is in a state of disrepair;
 - (b) stands empty for more than 90 consecutive days;
 - (c) no longer complies with any provision of these by-laws; or
 - (d) is substantially altered in any way from the original sign or structure that was approved.
- (11) All approved signs or advertisements should display an official sticker, number or other identifiable mark, developed and issued by municipality that can be used to determine the details of the sign. Signs without such identifying stickers, numbers or marks will be regarded as illegal and will be removed without any notice to the advertiser;
- (12) No person may in any manner whatsoever destroy, harm, damage or disfigure or deface the front or frontage of any municipal property, land, rock, tree or other natural feature or the front or frontage or roof of any building or structure during construction of or by the display or use of a sign or during the writing or painting of any sign.

11. Withdrawal or amendment of consent

- (1) If a sign or its display –
 - (a) does not comply with any one or more of the provisions of these By-laws;
 - (b) is in a state of disrepair;
 - (c) constitutes a danger to members of the public;
 - (d) is erected on municipal property, which property is required for municipal purposes after approval was given; or
 - (e) is undesirable in terms of section 8(4)(b),
 - (f) needs to be removed or relocated to prevent competition with essential new road traffic signage or traffic control measures as a result of road or traffic control improvements;
 - (g) had been approved as a result of a misrepresentation by an applicant;
 the municipality may at any time, and if necessary to do so to remedy a substantial injury to the amenity of the locality, decide to take any one or more of the following actions:
 - (i) to withdraw its consent for the display of a sign;
 - (ii) to amend any condition relating to the display of a sign;
 - (iii) to impose a further condition to the display of a sign; or
 - (iv) to order that the display of the sign be discontinued.
- (2) In extraordinary circumstances, such as required by the organizers of an international sports, arts or cultural event, the municipality may require from advertisers in certain areas of the municipality, to remove, cover up or cease to display all signs indicated by the municipality for a specific period of time, as required by the organizers of the event to contribute to the success of such an event, and –
 - (a) the municipality shall not be liable to pay any compensation to the advertisers of these signs for the determined period;
 - (b) the municipality shall inform such advertisers by way of notices as prescribed in subsection (3);
 - (c) the municipality shall extend the approval period or lease agreement of an advertiser referred to in this subsection, whichever is applicable, with the same period as the advertiser was required to cover up or remove his sign in terms of this subsection; and

- (d) the municipality shall be entitled to remove such signs, cease to display or cover up such signs if an advertiser fails to comply with the said notice.
- (3) The municipality must serve a notice of its decision on the person who displays the sign, and the notice must –
 - (a) specify a period within which the sign is to be removed, or within which the use of the site is to be discontinued, and contain a full statement of the reasons why the display of the sign must be terminated; or
 - (b) specify any amendment to a condition relating to the display of the sign, and if applicable, a time period relating to the amendment; or
 - (c) specify any further condition which is imposed, such as, but not limited to, the remediation of the site on which the sign was displayed to its original condition, and if applicable a time period relating to the further condition; or
 - (d) if consent for the display of the sign is withdrawn, inform the person who displays the sign to remove the sign immediately, and
 - (e) specify the sign or the site to which it relates.
- (4) Where an advertisement is approved along a provincial or national road by another responsible road authority, the permission of the municipality must also be obtained if the advertisement will be located in the jurisdiction of the municipality, or where the signs will be visible from any municipal roads. Similarly, where the municipality approves a sign that will be focused on a provincial or national road, the permission of the relevant road authority also needs to be obtained before a sign may be displayed;

CHAPTER 4

DISPLAY OF UNAUTHORISED SIGN, ALTERATION OF EXISTING SIGN, DEPARTURE FROM APPROVED FORM OR PLAN, EXEMPT SIGNS, PROHIBITED SIGNS, AND TEMPORARY SIGNS

12. Display of unauthorised sign

- (1) No person may display an unauthorised sign on private or Municipal land.
- (2) A person who displays an unauthorised sign on private or Municipal land must, after service on him or her of a notice of compliance in terms of section 25(2) to that effect, immediately cease to display the sign by removing it and the structures on which the sign is affixed.
- (3) If, before the date specified in the notice, the person satisfies the municipality that he or she has complied with the provisions of these By-laws, the municipality may withdraw the notice.

13. Alteration of existing sign

- (1) No person may, without the prior approval of the municipality, alter an existing sign on private or Municipal land in instances where the display of the sign is subject to specific consent.
- (2) A person who alters such a sign displayed on private or Municipal land must, after service on him or her of a notice of compliance in terms of section 25(2) to that effect, immediately cease or cause to cease any alteration to the existing sign and must restore it to the state or display which had been approved by the municipality.

14. Departure from approved form or plan

- (1) No person, having obtained specific consent for the display of a sign on private or Municipal land, may do anything in relation to the sign which is a departure from any form or plan approved by the municipality.
- (2) A person must, after the service upon him or her of a notice of compliance in terms of section 25(2) to that effect, immediately discontinue or cause to be discontinued such departure.

15. Exempt signs

- (1) Advertisers wishing to display signs which are exempted from the provisions of these by-laws, must apply for their display or not, as set out in this section, and no application fees are payable for signs that are approved as exempted signs.

- (2) Exempted signs that are not displayed towards public places may not be aesthetically unpleasing as viewed from any public place.
- (3) Display of the following sign is exempt from the provisions of these by-laws:
 - (a) A sign which is displayed in an arcade or in a private parking area and which is not displayed towards any public place outside of the arcade or private parking area. Advertisers should apply for approval for the display of these signs in terms of the by-laws.
 - (b) any price ticket which is smaller than 0,01 square metres on an item that is displayed in a shop-window. Advertisers do not have to apply for approval for the display of these signs;
 - (c) a sign which is displayed inside a building at a distance of more than two metres from any window or external opening through which it may be seen from outside the building and which is not aimed primarily at attracting the attention of road users. Advertisers should apply for approval for the display of these signs in terms of the by-laws;
 - (d) a road traffic sign which is displayed in terms of an Act of Parliament, Provincial legislation, or By-law;
 - (e) a sign which is displayed as required in terms of an Act of Parliament, Provincial legislation, or By-law. Advertisers do not have to apply for approval for the display of these signs;
 - (f) a banner or flag that is carried through the streets as part of a procession. Advertisers should apply for approval for the display of these signs in terms of the by-laws;
 - (g) a national flag, which is hoisted on a suitable flagpole, with nothing attached to the flag and with no advertising material attached to the flagpole. Advertisers do not have to apply for approval for the display of these signs;
 - (h) on Municipal land, a sign which is owned by the municipality and displayed on the initiation of the municipality. Advertisers should apply for approval for the display of these signs in terms of the by-laws;
 - (i) a sign displayed inside a sports stadium, sports club, school or other institute of learning, and which is not visible from outside the stadium, sports club, school or institute of learning. Advertisers should apply for approval for the display of these signs in terms of the by-laws.

16. Prohibited signs

- (1) The following signs may not be displayed or caused to be displayed:
 - (a) a walking poster;
 - (b) a swinging sign;
 - (c) a sign painted on, attached to, or fixed between the columns or posts of a veranda;
 - (d) an animated or flashing sign, the frequency or the animation's or flashes or other intermittent alterations of which disturbs the residents or occupants of any building or is a source of nuisance to the public;
 - (e) a sign displayed on land not in accordance with the relevant zoning or consent use as per the applicable Town-planning Scheme;
 - (f) a sign painted on a boundary wall or fence in an urban area of maximum control and a rural area of maximum control;
 - (g) an advertising sign, which is suggestive of anything indecent or which may prejudice the public morals;
 - (h) a poster pasted onto supporting columns, walls, pillars or any poster pasted otherwise than on a hoarding legally erected for the purpose of accommodating such poster;
 - (i) a permanent sign of which the maximum display period has expired; and
 - (j) unless approval has been obtained, an advertisement or any distribution of pamphlets or promotional material, inside a road reserve.
- (2) No vehicle to which is attached or on which is displayed an advertisement, may be parked in any area of control with the sole purpose of drawing the public's attention to the advertisement attached to or displayed on the vehicle.

- (3) No sign may be displayed in an area identified in Schedule 38.
- (4) No person or business may without the written consent of the municipality, in any manner and with or without the object of informing the public of any -
 - (a) opinion, event or phenomenon of whatever nature, be it factual or fictional, be it past, present or future; or
 - (b) product, commodity, or merchandise, be it in existence or not, disseminate to any person or attach to any object a leaflet, brochure, handbill or any similar article in any public place or area within the municipality's jurisdiction.
- (5) A person who intends undertaking an activity specified in subsection (4) must complete and submit the necessary application form, and the municipality may -
 - (a) reject the application, in which case the dissemination or attachment of the leaflet, handbill or article is prohibited; or
 - (b) approve the application on such conditions as the municipality deems fit.
- (6) Merchandise may not be displayed for purposes of advertisement in an area that has not been approved by the Municipality for the display of merchandise.

17. Temporary signs

The display, at a special event such as a sporting event and a festival, of a temporary sign containing the name of the sponsor is subject to specific consent, and the sign -

- (a) may be displayed as set out in the Schedules to these by-laws;
- (b) must be dismantled within three days after the conclusion of the event;
- (c) may, subject to the provisions of section 5(3), be displayed in all areas of control; and
- (d) must be located within the boundaries of the demarcated area in which the event takes place.

CHAPTER 5

SAFETY, DESIGN AND CONSTRUCTION, MAINTENANCE, POSITION, AND ILLUMINATION OF SIGNS

18. Amenity, safety and decency of signs

- (1) No sign may -
 - (a) be detrimental to the environment or to the amenity of a human living environment by reason of size, shape, colour, texture intensity of illumination, quality of design or materials or for any other reason; or
 - (b) unreasonably obscure, partially or wholly, any sign owned by another person previously erected and legally displayed.
- (2) No advertisement or advertising structure -
 - (a) may constitute a danger to any person or property;
 - (b) may be so placed or contain an element as to distract the attention of a driver of a motor vehicle in a manner likely to lead to unsafe driving conditions;
 - (c) that may be illuminated in terms of these by-laws, may be illuminated to the extent that it causes discomfort to or inhibits the vision of an approaching pedestrian or driver of a motor vehicle, or disturbs the residents or occupants of any building, or is a source of nuisance to the public;
 - (d) may obscure a pedestrian's or motor vehicle driver's view of a pedestrian, a road or rail vehicle or a feature of the road, railway or pavement such as a junction, bend and a change in width;
 - (e) may project over a pedestrian route, unless the clear height of such sign exceeds 2,4 metres or in the case of a cycle circulation route the clear height exceeds 3,0 metres ;
 - (f) may obstruct any fire-escape or the means of egress to a fire-escape, or obstruct or interfere with any window or opening required for ventilation purposes of a building, or obstruct any stairway or doorway or other means of exit from a building, or prevent the movement of persons from one part of a roof to another part thereof;
 - (g) may exceed the minimum clearance with regard to overhead power lines as prescribed in regulation 15 of the Electrical Machinery Regulations, No R1593 in GG. 11458, 12 August 1988, with the further provision that permission must be obtained

- from the relevant supply authority before any advertising structure may be erected in a power line servitude;
- (h) may resemble a formal road traffic sign in colour, shape or general appearance, or be of such nature that it could be mistaken for, or cause confusion with or interfere with the functioning of a road traffic sign or signal;
 - (i) if located within the road reserve, may be closer than 25m from a formal road traffic sign;
 - (j) may obscure a road traffic sign or signal;
 - (k) may create a road safety hazard; or
 - (l) may, if located within a road reserve, contain retro-reflective material, unless such material is required in terms of the specifications of the South African Development Community Road Traffic Signs Manual.
- (3) A sign or advertisement positioned along a road and specifically targeting the road user must be concise and legible and must comply with the following requirements:
- (a) No sign displaying a single advertisement or message may exceed 15 "bits" of information, and no combination sign or any other sign displaying more than one advertisement or message may contain more than six "bits" of information per enterprise, service or property, or per individual advertisement or message displayed on the combination sign, and "bit" values must be calculated as follows:
 - (i) A word of up to eight letters inclusive has a bit value of 1;
 - (ii) a number of up to four digits inclusive have a bit value of 0,5;
 - (iii) a number consisting of five to eight digits have a bit value of 1; and
 - (iv) a symbol, logo or abbreviation has a bit value of 0,5.
 - (b) A letter or digit must have a minimum size of 50 millimetres and must increase in size by 25 millimetres for every 15 meters distance away from the road reserve boundary of the adjacent road.
 - (c) Street numbers indicating specific premises must have a minimum size of 150 mm and a maximum size of 350 mm;
 - (d) The minimum letter size to be used on an advertising sign inside a road reserve is 80mm.
 - (e) No message may be spread across more than one sign or sign panel.

19. Design and construction of sign

(1) A sign -

- (a) must be constructed and executed and finished in a workmanlike manner, and structural details should be in accordance with existing generally accepted and tested designs, or designed by an engineer;
- (b) may not be detrimental to or have a negative aesthetic impact on the urban design, streetscape or the character of the surrounding area by way of the design of the structure or device;
- (c) must have a neat appearance and must consist of durable materials in accordance with the function, nature and permanence of the advertisement, sign or structure, and materials such as cloth, canvas, cardboard, paper or synthetic cardboard should be used only when essential to the nature and function of a particular sign;
- (d) must have a neat appearance in terms of advertisement content and signwriting and an untidy handwritten message should be avoided as far as possible;
- (e) may not with an electrical services provision and any other accessory deface a building facade;
- (f) must be rigidly and securely attached, supported or anchored in a safe manner so that unwanted movement in any direction is prevented;
- (g) must be capable of effectively securing, supporting and maintaining not less than twice its mass with the addition of any force to which the sign may be subjected, including wind pressure;

- (h) wherever necessary in accordance with the nature of the sign and when attached to brickwork, masonry or concrete, must be securely and effectively attached thereto by means of bolts securely embedded in such brickwork, masonry or concrete or passing through the same and secured on the opposite side; and
 - (i) when attached to a conservation-worthy building, must be attached with the necessary expert advice in order to prevent damage to the building.
- (2) An advertiser or contractor -
 - (a) may not use water-soluble adhesive, adhesive tape or similar material to display or secure any sign or advertisement;
 - (b) may not display or secure any sign or advertisement elsewhere than on a billboard, board or any structure provided for this purpose;
 - (c) must have all exposed metalwork of any sign painted or otherwise treated to prevent corrosion, and all timber treated to prevent decay, which painting and treating must be done in such manner that no pollution occurs or damage is done to the surrounding area; and
 - (d) must have measures taken to prevent the entry of water into and the accumulation of water or moisture on or in any sign or any part of its supporting framework, brackets or other members.
- (3)
 - (a) All glass used in signs, other than glass tubing used in neon and similar signs must be safety glass at least three millimetres thick.
 - (b) Glass panels used in signs may not exceed 0,9 square metres in an area and must be securely fixed in the body of the sign, structure or device independently of all other panels.
- (4) Every illuminated sign and every sign in which electricity is used -
 - (a) must have a power cable and conduit containing an electrical conductor positioned and fixed so that it is not unsightly;
 - (b) must be constructed of material which is not combustible;
 - (c) must be provided with an external switch in an accessible position whereby the electricity supply to the sign may be switched off; and
 - (d) must be wired and constructed in accordance with and subject to the provisions of the Makhado Municipality Electricity By-laws.
- (5)
 - (a) No person may, in the course of displaying or removing any sign, advertisement structure or device, cause damage to any tree, electrical standard or service or other public installation or property.
 - (b) Signage, or its brackets, on lamp posts may not cover or damage any markings such as codes or symbols on the poles.
 - (c) Protective sleeves must protect the paintwork on electric lamp posts against possible damage which may be caused by brackets securing advertising signs against such poles, and the design of these brackets and the signage must be approved by the person in charge of Electricity provision for the municipality for each type of sign and lamp post to be used.

20. Maintenance of sign

- (1) Maintenance of signs and their structures on Municipal land is the responsibility of the person who displays the sign, excluding the municipality, and should the municipality carry out any maintenance work as result of poorly maintained signs being attached, the municipality may claim the cost of such repairs from the person who displays the sign.
- (2) A sign must -
 - (a) where possible, be located at a height that discourages vandalism;
 - (b) be serviced, cleaned and repainted on a regular basis; and
 - (c) be maintained in good repair and in a safe and proper condition according to the highest standards as regards quality of structures, posting and sign-writing.

- (3) All signs contemplated in section 7(1)(a), being signs in class 1 (billboards and other high-impact free-standing signs) signs must be serviced, cleaned and painted in the manner and in accordance with the timeframes set out in the Schedules to these By-laws or in the contract between the municipality and the advertiser, whichever is applicable

21. Position of sign

(1) A sign –

- (a) may not be displayed on a road island or road median, with the exception of a sign contemplated in section 7(1)(b)(v), being a sign in the class 2(e) (street name advertisement signs);
- (b) may not be suspended across a road, with the exception of –
 - (i) a sign contemplated in section 7(1)(c)(i), being a sign in the class 3(a) (sky signs); and
 - (ii) a sign contemplated in section 7(1)(b)(ii), being a banner in the class 2(b) (banners, flags and inflatables) or a sign contemplated in section 7(1)(c)(xii), being a sign on a bridge suspended across an urban road other than a freeway and as part of a streetscaping project;
- (c) may not be displayed within or suspended above a road reserve or within a distance of 50 metres outside the road reserve boundary of a freeway, with the following exceptions and provided that these exceptions, subject to subsection (1)(a), do not allow for the display of a sign on a road island or road median but only for the display of a sign on the side of a road reserve:
 - (i) A sign contemplated in section 7(1)(b)(iv)(dd), being a sign in the class 2(d)(iv) (project boards), that concern road construction, and a sign contemplated in section 7(1)(d)(i), being a sign in the class 4(a) (sponsored road traffic projects signs), and a sign contemplated in section 7(1)(d)(iii), being a sign in the class 4(c) (tourism signs), may be displayed within a road reserve;
 - (ii) a sign contemplated in section 7(1)(b)(v), being a sign in class 2(e) (street name advertisement signs) may be displayed within a road reserve of a proclaimed main road other than a freeway and cognisance must be taken of the architectural styles of sensitive areas;
 - (iii) a sign contemplated in section 7(1)(b)(iv)(dd), being in a sign in the class 2(d)(iv) (project boards) that does not concern road construction may be displayed within a road reserve other than a freeway, but only next to the actual development site and only if sufficient space is not available on such a site;
 - (iv) a sign contemplated in section 7(1)(b)(i), being a sign in the class 2(a) (large posters and signs on street furniture), a sign contemplated in section 7(1)(b)(ii), being a sign in the class 2(b) (banners, flags and inflatables), a sign contemplated in section 7(1)(b)(iii), being a sign in class 2(c) (suburban signs), a sign contemplated in section 7(1)(b)(iv)(cc) being a sign in the class 2(d) (lamp posts, pavement posters and notices), a sign contemplated in section 7(1)(b)(vi), being a sign in the class 2(f) (neighbourhood watch signs and signs relating to similar schemes), a sign contemplated in section 7(1)(c)(iv), being a sign in class 3(d) (projecting signs), a sign contemplated in section 7(1)(c)(v), being a sign in the class 3(e) (veranda, balcony, canopy and underawning signs), and a sign contemplated in section 7(1)(d)(iv), being a sign in the class 4(d) (functional advertising signs by public bodies) may be displayed within an urban road reserve other than a freeway;
 - (v) a sign contemplated in section 7(1)(b)(iv)(cc), being a sign in the class 2(d)(iii) (lamp posts, pavement posters and notices) and a sign on a bridge contemplated in section 7(1)(c)(xii), being in the class 3(l) (signs on towers, bridges and pylons) may be displayed within an urban road reserve other than a freeway but only in an area of partial control and an area of minimum control;
 - (vi) a sign contemplated in section 7(1)(c)(iii), being a sign in the class 3(c) (flat signs), a sign contemplated in section 7(1)(c)(iv), being a sign in the class 3(d)

- (projecting signs), and a sign contemplated in section 7(1)(c)(v), being a sign in the class 3(e) (veranda, balcony, canopy and underawning signs) may be displayed within 50 metres of the boundary of a freeway if the main building housing an enterprise is within 50 metres from the road reserve of a freeway and if there is no other appropriate means of indicating that particular enterprise;
- (vii) a sign contemplated in section 7(1)(b)(iv)(aa), being a sign in the class 2(d)(i) (estate agents' boards) may be displayed in a road reserve other than a freeway, subject to specific controls; and
 - (viii) a sign contemplated in section 7(1)(a), being a sign in class 1 (billboards and other high-impact free-standing signs), a sign contemplated in section 7(1)(c)(vi), being a sign in class 3(f) (signs painted on walls and roofs), a sign contemplated in section 7(1)(c)(vii), being a sign in class 3(g) (window signs), a sign contemplated in section 7(1)(c)(ix), being a sign in the class 3(i) (signs on forecourts of business premises), and a sign contemplated in section 7(1)(c)(xi), being a sign in the class 3(k) (on-premises business signs) may not be displayed in any urban road reserve;
- (d) may not be displayed within the specified distances of on-ramps and off-ramps and overhead traffic signs on freeways as illustrated in figure 1 in schedule 37, except where an enterprise is situated within such a prohibited area and it is not possible to indicate that particular enterprise by means of an appropriate sign outside the prohibited area; and
 - (e) may not be displayed within a restricted area at an urban street corner as illustrated in figure 2 in schedule 37, with the exception of a sign contemplated in section 7(1)(b)(iv)(ee), being a sign in the class 2(d)(v) (temporary window signs), a sign contemplated in section 7(1)(c)(v), being a sign in the class 2(e) (street name advertisement signs), a sign contemplated in section 7(1)(c)(iii), being a sign in the class 3(c) (flat signs), a sign contemplated in section 7(1)(c)(iv), being a sign in the class 3(d) (projecting signs), a sign contemplated in section 7(1)(c)(v), being a sign in the class 3(e) (veranda, balcony, canopy and underawning signs), a sign contemplated in section 7(1)(c)(vii), being a sign in the class 3(g) (window signs), and a sign contemplated in section 7(1)(c)(viii), being a sign in the class 3(h) (signs incorporated in fabric of building), and provided furthermore that an illuminated sign displayed within a restricted area at a signalised street corner as illustrated in figure 3 in schedule 37 must have a clear height of at least six metres if such sign contains the colours red, green or amber.
- (2) No advertising signage may be affixed to a lamp post, except a sign contemplated in section 7(1)(b)(iv)(bb), being a sign in the class 2(d)(ii) (sale of goods, property or livestock signs), a sign contemplated in section 7(1)(c)(iv)(cc), being a sign in the class 2(d)(iii) (lamp posts, pavement posters and notices), and a sign contemplated in section 7(1)(d)(iii), being a sign in the class 4(c) (tourism signs).

22. Illumination of sign and electronic sign

- (1) The following maximum luminance levels per square meter are applicable to a sign, except for the daylight illumination of a Super Billboard:
 - (a) In the instance where the illuminated area is less than 0,5 square metre, the maximum luminance level is 1000 candela per square metre;
 - (b) in the instance where the illuminated area is between 0,5 square metre and 2 square metres, the maximum luminance level is 800 candela per square metre;
 - (c) in the instance where the illuminated area is between 2 square metres and 10 square metres, the maximum luminance level is 600 candela per square metre; and
 - (d) in the instance where the illuminated area is 10 square metres or more, the maximum luminance level is 400 candela per square metre.
- (2) The light source emanating from a floodlight may not be visible to traffic traveling in either direction.
- (3) Floodlighting must be positioned to ensure effective distribution and minimise light wastage or 'spill'.

- (4) The municipality may require traffic monitoring of any internally illuminated sign.
- (5) An electronic sign containing third-party advertising -
 - (a) may only be displayed in an area of partial and minimum control;
 - (b) must be less than 2,1m², which size may be waived up to a maximum size of 81m² in any such area upon receipt of an approved Environmental, traffic and Heritage Impact Assessment showing that no detrimental impact will be caused by the proposed display; and
 - (c) may not have subliminal flashes.
- (6) In respect of urban freeways, irrespective of the area of control, the undermentioned signs may not be illuminated in any way unless overhead lighting lights the freeway over the full distance within which the advertising sign is visible from the freeway:
 - (a) a super billboard;
 - (b) a custom-made billboard;
 - (c) a large billboard;
 - (d) a small billboard;
 - (e) a tower structure;
 - (f) a suburban advertisement;
 - (g) a temporary advertisement;
 - (h) a product replica;
 - (i) a three-dimensional sign;
 - (j) a flat sign;
 - (k) a roof sign;
 - (l) a sign painted on a wall or roof;
 - (m) a sign incorporated in the fabric of a building;
 - (n) a sign on a tower, bridge or pylon;
 - (o) an advertisement on a construction site boundary wall and fence; and
 - (p) an aerial sign.
- (7) The municipality may require a Traffic Impact Assessment to be conducted on any electronic sign, the results of which must indicate that no detrimental impact on traffic is envisaged, and the municipality may require subsequent traffic monitoring of any electronic sign.

CHAPTER 6 MISCELLANEOUS PROVISIONS

23. Public tenders

- (1) The municipality must comply with its Supply Chain Management policy, the Municipal Finance Management Act, (Act No. 56 of 2003) and the provisions of the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000) and the Regulations to the Act, in the awarding of tenders relating to the erection or display of advertisements or advertising space, products or any other messages on municipal or on private land.
- (2) The successful tenderer, known as the contractor is responsible for the display of an advertising sign in terms of the provisions of these By-laws and in terms of conditions agreed on in his or her contract with the municipality.
- (3) Should a contractor fail to comply with the provisions of subsection (2) or with the contract conditions, the municipality must serve a final notice on the contractor to rectify compliance with the provisions or contract conditions, and should the contractor not comply within two months after final notice has been served –
 - (a) the municipality has the right to relieve the contractor of his or her contract after which –
 - (i) the contractor has no right to a sign already displayed as stipulated in his / her contract; and
 - (ii) the municipality may deal with the sign in accordance with sections 25(4), (6), (7), (8), (9) and (10); and
 - (b) the municipality may re-advertise the relevant contract for public competition in terms of the municipality's Supply Chain Management policy, and subject to the provisions of the Municipal Finance Management Act, (Act No. 56 of 2003) and the Preferential

Procurement Policy Framework Act, 2000 (Act No. 5 of 2000) and the Regulations to the Act.

- (4) The municipality may refuse permission for an applicant to display or erect a sign on municipal or public land in terms of these by-laws if the specific class of signs was the subject of an agreement in which the municipality awarded the sole right to display certain signs on municipal or public land to a contract party.

24. Authentication and service of notices and other documents

- (1) A notice or other document requiring authentication by the municipality must be signed by the municipal manager or by a duly authorised officer of the municipality, and when issued by the municipality in terms of these By-laws is deemed to be duly issued if it is signed by an officer authorised by the municipality.
- (2) Any notice or other document that is served on a person in terms of these By-laws is regarded as having been served –
- (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgment of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates;
 - (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of such body corporate; or
 - (g) when it has been delivered, at the request of that person, to his or her e-mail address.
- (3) Service of a copy is deemed to be service of the original.
- (4) When any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.
- (5) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

25. Notice of compliance, removal, confiscation, destruction of signs, and related matters

- (1) (a) Where the display of a sign does not comply with section 18, 19, 20, 21 or 22, the person who displays the sign must alter the sign so that it complies with section 18, 19, 20, 21 or 22, and where –
- (i) traffic signal lights are erected in a place where previously there had been no traffic signal lights, but where there is currently being displayed a sign; or
 - (ii) there is an alteration in the level or position of a street, footway or kerb;
- the person who displays a sign must immediately remove the sign.
- (b) Where a sign is displayed on a site where,
- (i) there is a change of ownership or occupancy of the premises on which the sign is displayed, or
 - (ii) there is a change in the nature of the business, industry, trade or profession which is conducted on the premises;
- the owners or occupiers of the site should inform the municipality of this change within 30 days from becoming owners or occupiers, or the change in the nature of the business.

- (2) The municipality may serve a notice of compliance on the owner of a sign to remove a sign within a specified time, or to carry out, within a specified time, such alteration to it or to do such work as may be specified in the notice or cover or cause the sign to be covered completely so as to conceal its contents, if the sign which is displayed is unauthorised, or does not conform to a provision of section 18, 19, 20, 21 or 22, or does not comply with a condition imposed in the Schedule that relates to the sign.
- (3) The notice of compliance must –
 - (a) specify, at the time when the notice is issued, the name and residential or postal address, if either or both of these be known, of the person on whom the notice is served;
 - (b) state the particulars of the contravention;
 - (c) where applicable, specify the time within which a sign is to be removed, or an alteration is to be carried out, or such work as specified is to be done or such sign is to be covered;
 - (d) subject to section 26, specify the fine payable as penalty in respect of that contravention and the place where the fine may be paid; and
 - (e) inform the person on whom the notice was served that he or she may, within 28 calendar days of the date of service of the notice –
 - (i) pay the fine; or
 - (ii) inform the municipality in writing that he or she elects to be tried in court on a charge of having committed an offence under section 26(1)(c).
- (4) If a person fails to comply with a notice served by the municipality on him or her, the municipality may enter upon the land upon which the sign to which the notice relates, is being displayed and remove, confiscate, and destroy the sign.
- (5) The municipality may, without prior notice remove, confiscate, and destroy any sign if the sign constitutes a danger to life or property, or is objectionable, or if one or more of the provisions of these By-laws is contravened.
- (6) The municipality, when it removes and confiscates or destroys the sign, is not required to compensate a person in respect of the sign in any way for loss or damage which results from its action.
- (7) Costs that are incurred by the municipality when it removes, confiscates or destroys a sign, rehabilitates land or does alterations or other works may be recovered from the person on whom the notice was served, or if a deposit has been paid in respect of the sign the costs may be deducted from the deposit, unless the person to whom a notice was given proves –
 - (a) that he or she did not, at the time when he or she received the notice, nor at any time thereafter, display the sign; or
 - (b) that he or she did not take any active part in displaying the sign and did not grant any person permission to display it and did not receive any valuable consideration in connection with the displaying of the sign, and that he or she does not manufacture an article, or own, control or manage a business or undertaking to which the sign relates.
- (8) The penalty costs when the municipality removes a sign are determined by the Council from time to time by way of resolution.
- (9) Should the municipality decide not to destroy a sign, the original owner may repurchase a sign, which has been removed and confiscated. The repurchasing prices are according to the tariff determined by the Council from time to time.
- (10) The municipality may dispose of a sign which is not repurchased within two weeks.

26. Offences

- (1) A person commits an offence if he or she –
 - (a) fails to comply with –
 - (i) any requirement which is set out in a notice of compliance in terms of section 25(2) that was served on him or her;
 - (ii) a condition that was imposed on him or her;
 - (iii) any requirement set out in a notice in terms of sections 8(4)(b), 9(4) or 11(2);

- (b) knowingly makes a false statement to a municipal officer, or in respect of an application;
 - (c) displays a sign that does not comply with any one or more of the provisions of sections 18, 19, 20, 21 or 22 or conditions imposed in the Schedule that relates to the sign;
 - (d) displays an unauthorised sign; or
 - (e) displays a sign in contravention of sections 8(4)(a), 10(8), 16(1) to (4) or (6) or 17, 22(1).
- (2) Upon conviction of a first offence, the person is liable to a fine, and should the person not pay the fine, he or she may be imprisoned for a period not exceeding two months.
 - (3) Upon conviction of a second or subsequent offence, the person is liable to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment;
 - (4) Upon conviction of a continuing offence the person is liable to a fine or a period of imprisonment or to such additional imprisonment without the option of a fine for every day during which the offence continued.
 - (5) Upon conviction for the display of an unauthorised sign, the person is liable to a fine per sign displayed.

27. Right of appeal

- (1) A person who is of the opinion that his or her rights are affected by a decision of a municipal officer may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.
- (2) The municipal manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).
- (3) The appeal authority must consider the appeal and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (4) When the appeal is against a decision taken by –
 - (a) a municipal officer other than the municipal manager, the municipal manager is the appeal authority;
 - (b) the municipal manager, the Executive Mayor is the appeal authority; or
 - (c) a political structure or political office bearer or a councillor, the Municipal Council excluding councillors who were involved in the decision, is the appeal authority.
- (5) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.
- (6) The lodging of an appeal in terms of subsection (1) does not confer a right on a person to display a sign in contravention of these by-laws or in contravention of a notice given in terms of these by-laws to have it removed, pending the finalization of the appeal.

28. Transitional provision

- (1) The person who displays a sign, for which sign he or she had received written approval to display the sign prior to the commencement of these by-laws, must, within three months after the commencement of these By-laws, ensure that the sign complies in all respects with the provisions of these By-laws, and the municipality reserves the right to remove the sign immediately if the sign does not comply with these provisions after three months.
- (2) The person who displays a sign, the display of which is prohibited in terms of section 16 or for which sign he or she do not have any written permission from the municipality to display the sign, must remove the sign within seven days after the commencement of these By-laws.
- (3) The person who displays a sign on a litter bin must, despite subsection (1), ensure that the display of the bin complies in all respects with these By-laws, specifically those provisions and conditions contained in item 8 of Schedule 5, and the municipality reserves the right to remove the bin within seven days after the commencement of these By-laws if the display does not comply with the stipulated provisions and conditions.

- (4) A person who had obtained permission for the display of a sign or advertisement prior to the declaration as contemplated in section 5(4), shall be notified of such declaration by the municipality in writing and must remove such sign within the period stipulated in the notice, which period may be not less than 21 days.

29. Impact Assessments

- (1) Environmental Impact Assessments as determined in terms of the National Environmental Management Act, 1998 (Act 107 of 1998), must be conducted for all advertisements contemplated in section 7(1)(a)(i), being a sign in the class 1(a) (super billboards), section 7(1)(a)(ii), being a sign in the class 1(b) (custom-made billboards), section 7(1)(a)(iii), being a sign in the class 1(c) (large billboards), section 7(1)(c)(i), being a sign in the class 3(a) (sky signs), section 7(1)(c)(ii), being a sign in the class 3(b) (roof signs), and section 7(1)(c)(xii), being a sign in the class 3(l) (signs on towers, bridges and pylons).
- (2) The consultation processes of assessments required in terms of subsection (1) may be determined by the Council by resolution from time to time.
- (3) Besides classes of advertisements for which Traffic Impact studies is required in terms of these by-laws and Schedules, the municipality may require a traffic impact study for any other class of advertisements if such advertisement might have a detrimental impact on traffic.
- (4) Any other assessments that the municipality may require to approve the display of a sign in terms of these by-laws may be required from prospective advertisers.

30. Saving provisions

Nothing which is contained in these By-laws is to be construed as to affect in any way rights that belong to, or duties which are imposed on the municipality as the body in whom ownership is lawfully vested of or who has control over any street or other place or thing within its area of jurisdiction.

31. Waiver

- (1) The municipality may, upon the written request by a person, which request is to be directed to the municipal manager, and after consideration of the merits of the request, waive compliance with or relax the provisions of any one or more of the provisions of these By-laws.
- (2) The municipality must serve a written notice of waiver, which is signed by the municipal manager upon the person concerned. The notice must cite –
 - (a) the provision that is waived or relaxed; and
 - (b) the extent to which it has been waived.
- (3) The municipality must keep a record which contains a copy of the notice. The public may, at all reasonable hours, inspect this record at the offices of the municipality.

32. Presumptions

Any person charged with a contravention in terms of these by-laws, who is –

- (a) alone or jointly with any other person, responsible for organizing or in control of any meeting, function or event, to which a sign or advertisement relates, shall be deemed, until the contrary is proved, to have knowingly displayed every unlawful sign or advertisement in connection with such meeting, function or event or to have caused or allowed it to be so displayed;
- (b) the person whose name appears on an unlawful sign or whose product or services are advertised on such sign shall be deemed, until the contrary is proved, to have displayed such sign, or to have caused or allowed it to be displayed;
- (c) the owner of any land or building on which any unlawful sign was or is displayed, shall be deemed, until the contrary is proved, to have knowingly displayed such sign or caused or allowed it to be so displayed; and
- (d) the owner of a sign or the person who erected, constructed or displayed the sign which is unlawfully displayed in terms of these by-laws, shall be deemed, until the contrary is proved, to have knowingly erected, constructed or displayed such sign.

33. Repeal

- (1) Subject to the provisions of subsection (2), Chapter XII of the Local Government Ordinance, 1974, and the Local Authority Notice 1245 of 1989, are hereby repealed.
- (2) Anything done under or in terms of any provision of the By-laws repealed by subsection (1) is deemed to have been done under the corresponding provisions of these By-laws and such repeal does not, affect the validity of anything done under the By-laws so repealed.
- (3) Any application in terms of the By-laws repealed by subsection (1), pending before the Council at the date of commencement of these By-laws must be dealt with in terms of these By-laws.

34. Short title and commencement

These By-laws are called the Makhado Local Municipality Outdoor Advertisement By-laws, and commence on the date of publication thereof in the Provincial Gazette.

SCHEDULE 1
Super billboards (Class 1(a))
(Section 7(1)(a)(i))

1. A sign may be displayed in an urban area of minimum control only.
2. Display of a sign is subject to specific consent.
3. A sign may be displayed only after an environmental impact assessment, which includes visual, social and traffic safety aspects, has been undertaken and has been submitted by the applicant to the municipality and which has been approved by the municipality.
4. A sign may not exceed a maximum size of 81 square metres and a maximum height of 25 metres.
5. The height limitation of super billboards is measured from the normal ground level to the top of the advertising sign, including the height of the supporting structure below the sign.
6. A sign must be displayed perpendicular to the direction of oncoming traffic.
7. A minimum distance of 5 kilometres between signs displayed on the same side of the road must be maintained.
8. (a) No sign may be erected within a radius of 200 metres from the centre of an intersection on an arterial road, or within a radius of 100 metres from the centre of an intersection on any lower order road in such a manner as to be oriented towards such an intersection.
 (b) The distances represented in Figure 1, Schedule 36 must be increased by 25 percent.
9. Subject to the provisions of section 18, 19(4), 21(e) and 22, illumination and animation of a sign is allowed.
10. A sign must be placed on a base, which has been designed and erected in accordance with conditions which the municipality may impose in terms of section 10(4).
11. The municipality may approve for the display of a sign for a period ranging from one to five years, but may not grant approval for an indefinite period.

12. The municipality may approve the display of one sign only per 250000 residents in the Makhado Municipality.
13. Road safety principles will be taken into consideration when determining letter sizes and the length of messages.
14. Signs in this class may not be located within any road reserve.
15. Maintenance should be done on a continuing basis and a maintenance report should be submitted to the municipality once a year on a date prior to the anniversary of the date on which approval was given for the display of the sign.

SCHEDULE 2
Custom-made billboards (Class 1(b))
(Section 7(1)(a)(ii))

1. A sign may be displayed in an urban area of minimum control only.
2. Display of a sign is subject to specific consent.
3. A sign may be displayed only after an environmental impact assessment, which includes visual, social and traffic safety aspects, has been undertaken and has been submitted by the applicant to the municipality and which has been approved by the municipality.
4. A sign may not exceed a maximum size of 54 square metres and a maximum height of 13 metres, measured from the ground level to the top of the sign or the structure housing the sign, except as otherwise approved by the municipality in terms of section 10(4).
5. The clear height of the advertising structure may not be less than 2,4 metres, measured from the normal ground level to the bottom edge of the advertising sign, including the height of the supporting structure below the sign.
6. The provisions of sections 21(1)(a)–(c), and the following conditions apply to the position of a sign:
 - (a) No more than one sign may be displayed on a site;
 - (b) a sign consisting of a single board must be displayed perpendicular to or at an angle of up to 30 degrees to the direction of oncoming traffic;
 - (c) where two boards are joined together, the sign must be displayed with the axis of symmetry perpendicular to the direction of oncoming traffic;
 - (d) a maximum of two signs may be displayed in the vicinity of a road intersection;
 - (e) the display of a billboard is not permitted within a radius of 100 metres from the centre of an intersection on an arterial road and within a radius of 50 metres from the centre of an intersection on any lower-order road; and
 - (f) spectacles displayed along roads must be spaced at the following minimum distances:
 - (i) on a road with a speed limit of 81 kilometres per hour and higher, there must be a minimum distance of 250 metres between signs;

- (ii) on a road with a speed limit between 61 kilometres per hour and 80 kilometres per hour, there must be a minimum distance of 200 metres between signs; and
 - (iii) on a road with a speed limit below 60 kilometres per hour, when the signs are in view of each other and on the same side of the road, there must be a minimum distance of 120 metres between signs.
7. A sign displayed in the vicinity of a signalised intersection may not contain the colours red, amber or green if such colours will constitute a road safety hazard.
8. The provisions of sections 18, 19(4), 21(e), 22, and the following conditions apply to the illumination and animation of a sign:
 - (a) Internal and external illumination is allowed;
 - (b) the following maximum luminance levels are prescribed by the municipality:
 - (i) if the illuminated area is 0,5 square metre in size or smaller a maximum level of 1000 candela per square metre;
 - (ii) if the illuminated area is between 0,5 square metre and two square metres in size a maximum level of 800 candela per square metre;
 - (iii) if the illuminated area is between 2 square metres and 10 square metres in size a maximum level of 600 candela per square metre; and
 - (iv) if the illuminated area is larger than 10 square metres in size a maximum level of 400 candela per square metre;
 - (c) the light source emanating from floodlights may not be visible to traffic travelling in either direction;
 - (d) floodlighting must be positioned to ensure effective distribution of light and minimize light wastage or 'spill'; and
 - (e) no animation is allowed.
9. A sign must be placed on a base, which has been designed and erected in accordance with conditions which the municipality may impose in terms of section 10(4).
10. The municipality may grant approval for the display of a sign for a period ranging from one to five years, but may not grant approval for an indefinite period.
11. Signs in this class may not be located within any road reserve.
12. Maintenance should be done on a continuing basis and a maintenance report should be submitted to the municipality once a year on a date prior to the anniversary of the date on which approval was given for the display of the sign.

SCHEDULE 3
Large billboards (Class 1(c))
(Section 7(1)(a)(iii))

1. A sign may be displayed in an urban area of minimum control only.
2. Display of a sign is subject to specific consent.
3. A sign may be displayed only after an environmental impact assessment, which includes visual, social and traffic safety aspects, has been undertaken and has been submitted by the applicant to the municipality and which has been approved by the municipality.
4. No sign may exceed a maximum size of 40 square metres and a maximum height of 8 metres, measured from the normal ground level to the top of the advertising sign, including the height of the supporting structure below the sign.
5. The clear height of the advertising structure may not be less than 2,4 metres.
6. The provisions of section 22(1)(a) – 22(1)(d), and the following conditions apply to the position of a sign:
 - (a) No more than one sign may be displayed per site;
 - (b) an advertisement consisting of a single board must be displayed perpendicular to or at an angle of up to 30 degrees to the direction of oncoming traffic;
 - (c) where two billboards are joined together, the sign must be displayed with the axis of symmetry perpendicular with the direction of oncoming traffic;
 - (d) billboards displayed along roads must be spaced at the following distances:
 - (i) on a road with a speed limit of 81 kilometres per hour and higher the distance between signs may not be less than 250 metres;
 - (ii) on a road with a speed limit between 61 kilometres per hour and 80 kilometres per hour the distance between signs may not be less than 200 metres; and
 - (iii) on a road with a speed limit below 60 kilometres per hour, when the signs are in view of each other and on the same side of the road, the distance between signs may not be less than 120 metres;
 - (e) a maximum of two billboards may be displayed in the vicinity of a road intersection; and
 - (f) no billboard may be displayed within a radius of 100 metres from the centre of an intersection on an arterial road and within 50 metres from the centre of an intersection on any lower-order road.
7. A sign displayed in the vicinity of a signalised intersection may not contain the colours red, amber or green if such colours will constitute a road safety hazard.
8. A sign may be paper-posted, any may also be sign written, posted with vinyl or a combination of all three.

9. The provisions of section 18, 19(4), 21(e), 22, and the following conditions apply to the illumination and animation of a sign:
 - (a) Internal and external illumination is allowed;
 - (b) the following maximum luminance levels are prescribed by the municipality:
 - (i) if the illuminated area is 0,5 square metre in size or smaller a maximum level of 1000 candela per square metre;
 - (ii) if the illuminated area is between 0,5 square metre and 2 square metres in size a maximum level of 800 candela per square metre;
 - (iii) if the illuminated area is between 2 square metres and 10 square metres in size a maximum level of 600 candela per square metre; and
 - (iv) if the illuminated area is larger than 10 square metres in size a maximum level of 400 candela per square metre;
 - (c) the light source emanating from floodlights may not be visible to traffic travelling in either direction; and
 - (d) floodlighting must be positioned to ensure effective distribution and minimize light wastage or 'spill', and external illumination may not constitute a road safety hazard or cause undue disturbance.
10. No animation of a signs in this class is allowed.
11. A sign must be placed on a base, which has been designed and erected in accordance with conditions which the municipality may impose in terms of section 10(4).
12. The municipality may grant approval for the display of a sign for a period ranging from one to five years, but may not grant approval for an indefinite period.
13. Signs in this class may not be located within any road reserve.
14. Maintenance should be done on a continuing basis and a maintenance report should be submitted to the municipality once a year on a date prior to the anniversary of the date on which approval was given for the display of the sign.

SCHEDULE 4
Small billboards and tower structures (Class 1 (d))
(Section 7(1)(a)(iv))

1. A sign may be displayed in an urban area of partial control and an urban area of minimum control only.
2. Display of a sign in an urban area of minimum control is subject to deemed consent.
3. Display of a sign in an urban area of partial control is subject to specific consent, but if the sign forms part of the parking layout of a business centre and is not visible from a passing road, the display is subject to deemed consent.

4. Subject to the approval to display signs in terms of these by-laws, these signs may be displayed on a sport's field, sports ground, school or other institute of learning, subject to the following conditions :
 - (a) the sign may not face any residential building, except if all occupiers of such a residential building agreed in writing that the sign may face towards the building they are occupying ;
 - (b) the sign may only be erected at the main entrance to the sports field, sports ground, school or institute of learning;
 - (c) the sign may not be erected closer to 15 metres from any intersection;
 - (d) at least 35% of the sign-artwork should display the name of the school and events to be presented at the school;
5. A billboard may not exceed a maximum size of 6 square metres, and a maximum height of 3,5 metres.
6. A panel or board on a tower structure may not exceed a maximum size of 4,5 square metres.
7. The clear height of a tower structure may not be less than 2,4 metres, and the maximum height of such a structure may not be more than 5 metres.
8. Subject to section 21(1)(c)(viii), a sign must be internally oriented and may not be aimed at a road user outside the shopping centre or transport node.
9. The illumination and animation of a sign is permitted, except in residential areas, and is subject to the provisions of sections 18(1), 19(4), 21(1)(e), 22, and the additional provision that such illumination or animation does not constitute a road safety hazard or cause undue disturbance.
10. A tower structure provided in a larger pedestrian area may be used only as a focal point, and must be of a high visual standard and must harmonise with the surrounding buildings and streetscape.
11. A sign must be placed on a base, which has been designed and erected in accordance with conditions which the municipality may impose in terms of section 10(4).
12. The municipality may grant approval for the display of a sign for a period ranging from one to five years, but may not grant approval for an indefinite period.
13. A sign may be used to display only general and non-locality-bound advertisements of products, activities and services in parking areas of shopping centres and at important transport nodes such as railway stations, bus stations and airports, and may not identify or identify the location of specific enterprises at such centres or nodes.
14. Signs in this class may not be located within any road reserve.
15. Maintenance should be done on a continuing basis and a maintenance report should be submitted to the municipality once a year on a date prior to the anniversary of the date on which approval was given for the display of the sign.

SCHEDULE 5
Large posters and signs on street furniture (Class 2(a))
(Section 7(1)(b)(i))

1. A sign may be displayed in an urban area of maximum control, an urban area of partial control, and an urban area of minimum control only.
2. Display of a sign in an urban area of maximum control and an urban area of partial control and minimum control is subject to specific consent.
3.
 - (a) Large posters erected inside formal road reserves or inside right of way servitudes registered in favour of the general public may only display community based information and may not advertise products or services.
 - (b) The name of a sponsoring company may be added, but may not exceed 20% of the poster area.
4.
 - (a) Only the Municipality may erect street furniture primarily with the aim to advertise, and such furniture will only be used to –
 - (i) advertise special projects by the authorities;
 - (ii) give guidance to tourists;
 - (iii) form part of special streetscaping projects; or
 - (iv) advertise council identified initiatives and programmes.
 - (b) Formal advertising of products, companies or services are not allowed.
5. Advertising signs may not be attached to street furniture where it may obstruct sight distance from a nearby intersection or from a motor car driveway.
6. Except for litter bins and bus shelters erected by the municipality, advertisements in this class which is erected within a road reserve, may not be located closer than 120m to formal road traffic signage displayed in terms of the Road Traffic Act, No 93 of 1996, facing the same traffic direction.
7. The following specifications are applicable to litterbins inside road reserves, on municipal property and on other public open spaces:
 - (a) Litterbins may only be placed on a suitably prepared concrete or paved footing and must be adequately secured to prevent it from being blown over by winds with speed of up to 30km/s.
 - (b) Litterbins may not be placed on traffic islands.
 - (c) Each new litterbin site must be approved individually by the Municipality, and applications must include the following:
 - (i) Sufficient information to enable officials to determine the position of the requested new site within 1m accuracy;
 - (ii) adequate details of the nature of the proposed footing and moorings;

- (iii) pedestrian counts to demonstrate the need for the approval of the site; and
 - (iv) the presence of other litterbins along the same route that serve the same pedestrians.
- (d) On approval of a new litterbin site as contemplated in subitem (c), the applicant must construct the new footing at the position and according to the details approved by the Municipality.
- (e) Approval of the site does not grant the applicant an indefinite right to advertise on the particular site.
- (f) Advertising periods are as determined by the Municipality from time to time, and the applicant must ensure that he or she ascertains such periods from the Municipality.
- (g) Litterbins may not be located closer than 1 meter from the edge of a public road.
- (h) Only litterbins with a vertical height of 900mm or less may be located closer than 50m to a traffic intersection or a high volume vehicle access.
- (i) An advertisement on a litter bin should be aimed at pedestrians and not motorists.
- 8. A poster sign and an advertisement on street furniture may not exceed 2,2 square metres in area, provided that where a poster sign is double sided and faces in more than one direction, the total area may not exceed 4,4 square metres.
- 9. A poster structure and street furniture carrying an advertisement may not exceed a maximum height of 3 metres.
- 10. The provisions of sections 18, 19(4), 21(1)(a) – 21(1)(c), 21(1)(e), and the following conditions apply to the position of a sign:
 - (a) An advertising sign on street furniture may be displayed within an urban road reserve other than a freeway;
 - (b) a sign in this class may not be closer than 300 millimetres to the vertical line of the edge- of a cycle path or footpath;
 - (c) street furniture may not be used or positioned for the primary or sole purpose of advertising;
 - (d) street furniture may not be placed in such a way as to obstruct any pedestrian movement; and
 - (e) signs in this class may not be less than 120 meters apart if they are on the same side of the street.
- 11. A sign displayed in the vicinity of signalised intersections may not contain the colours red, amber or green if such colours will constitute a road safety hazard.
- 12. Subject to the provisions of section 18,19(4), 21(e) and 22, illumination and animation of a sign is allowed in an urban area of partial control and an urban area of minimum control.
- 13. Display of a standardized pole-mounted poster is allowed only if it does not have a negative visual impact on the character of an area.

14. Creative and visually pleasant structures may be used for displaying large posters in road reserves in order to make a positive contribution to streetscaping.
15. Street furniture and advertising furniture higher than 3 metres may be used only as focal points.
16. The clear height of a poster may not be less than 2,4 meters.
17. Large posters may not be used for the primary purpose of directing or guiding travellers to an enterprise or facility.

SCHEDULE 6
Banners, flags and inflatables (Class 2(b))
(Section 7(1)(b)(ii))

1. A banner, flag or inflatable may not be displayed in a rural area of maximum control and an inflatable may not be displayed in an urban area of maximum control.
2. Display of a banner or flag in an urban area of maximum control and display of a banner, flag or inflatable in an urban area of partial control is subject to specific consent.
3. Display of a banner or flag in an urban area of minimum control is subject to deemed consent, whilst display of an inflatable requires specific consent.
4. Display of a banner, flag or inflatable, for the purpose of streetscaping, in an urban area of minimum control is subject to specific consent.
5. Subject to item 21, the display of a national flag of any country is excluded from conditions stipulated in this Schedule, and such flag may be displayed in all areas of control.
6. A maximum of two banners, flags or teardrop flags may be displayed per event, enterprise or function in an urban area of maximum control.
7. A maximum of four banners, flags or teardrop flags or only one inflatable may be displayed per event, enterprise or function in an urban area of partial control and an urban area of minimum control.
8. A maximum of ten banners, flags or teardrop flags and one inflatable may be displayed per shopping centre of which the floor area, excluding the parking area, is 2000 square metres or larger.
9. A banner or flag displayed in an urban area of maximum control may not be larger than 5 square metres, and a banner or flag displayed in an urban area of partial control and an urban area of minimum control may not be larger than 6 square metres, while the total sign area per event, function or enterprise may not exceed 7 square metres in an urban area of maximum control and 12 square metres in an urban area of partial control and an urban area of minimum control.
10. A teardrop flag may not be larger than 2,2 square meters.

11. The following restrictions apply with regards to the size of inflatables, where D represents the distance in meters of the sign from the nearest road reserve boundary and H represents the height :

In areas of partial control: The maximum allowable height can be calculated with the following formulae: $H = 1.5 + D * 0.15$, to a maximum height of 7.5m. The horizontal circumference may not exceed 6.5m and the maximum projected area of any side may not exceed 8m²

In areas of minimum control: The maximum allowable height can be calculated with the following formulae: $H = 2 + D * 0.15$, to a maximum height of 10m. The horizontal circumference may not exceed 8.5m and the maximum projected area of any side may not exceed 11m²

The height restriction specified for inflatables is the distance from the ground level to the top of the sign, irrespective of whether the sign is located on the ground or will be elevated on a structure.

An inflatable in excess of 3m in height may not be located closer than 100m to an intersection along an arterial road, or closer than 50m to other traffic intersections.

Signs closer than 30m to a road reserve boundary shall be spaced at the following minimum distances when in view of one another and on the same side of the road:

SPEED LIMIT	SPACING
Faster than 80km/h	250m
60 – 80km/h	200m
Less than 60 km/h	120m

12. A character or symbol on a flag, banner or teardrop flag may not be more than 0,75 metre in height.
13. The provisions of section 21(1)(a) and (b), 21(1)(c)(iv) and (v), and the following conditions apply to the position of a banner or flag:
- (a) A banner or flag must be attached to or suspended between 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 or on such other site as the municipality may permit;
 - (b) a banner or flag may be displayed within all urban road reserves, but may not be displayed on a freeway, and a banner may only be suspended across a road or street as part of an urban streetscaping project;
 - (c) a banner may be attached to a building or to a special streetscaping structure provided for this purpose; and
 - (d) the poles or supports of a flag or banner may not be placed inside a road reserve.
14. No Inflatable may be displayed inside or above a road reserve or placed in a parking area that it takes up any parking space.
15. The colour or texture of a banner that is attached to a building in an urban area of maximum control must blend with such building.

16. No illumination or animation of a banner or a flag is permitted.
17. Display of a banner, flag, teardrop flag or inflatable is subject to the safety requirements as provided for in section 18, and the condition that a banner, flag, teardrop flag or inflatable may not be attached in a manner so as to interfere with or constitute a danger to passing vehicular or pedestrian traffic.
18. A banner, flag or teardrop flag used for streetscaping must form a harmonious and well-designed part of the total streetscape.
19. A flag must be attached to a single flag-staff projecting vertically from a premises or projecting vertically, horizontally or at an angle from a building.
20. No banner, flag, teardrop flag or inflatable may be displayed for more than two weeks before the date of the function or event advertised, and no such banner or flag is permitted to remain in position for more than three days after the conclusion of such function or event.
21. A banner, flag, teardrop flag or inflatable may not be used for purposes other than:
 - (a) Advertising functions and 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;
 - (b) displaying the name, corporate symbol and nature of enterprises; or
 - (c) streetscaping urban areas such as pedestrian malls and gateways.
22. Only a locality-bound banner or flag may be used for advertising a function, event and enterprise, except when incorporated in a streetscaping project.
23. A banner, flag, teardrop flag or inflatable may not be used for advertising a sales promotion, private company, or a commercial product or event.
24. A national flag may not carry on the flag or flag-staff any advertisement or subject matter additional to the design of the flag .

SCHEDULE 7
Suburban signs (Class 2(c))
(Section 7(1) (b)(iii))

1. A sign may be displayed in an urban area of maximum control, an urban area of partial control and an urban area of minimum control only.
2. Display of a sign is subject to specific consent.
3. A suburb name sign may not be displayed on a freeway.
4. The sign must be rectangular and 0,44 metre in height and of equal length to the suburb name sign.
5. The sign must be smaller and less conspicuous than the suburb name sign.
6. The provisions of section 21(1)(a), (d), (e), and the following conditions apply to the position of a sign:

- (a) A sign may be displayed within the road reserves of a proclaimed main road, but may not be displayed on a freeway; and
 - (b) a suburb name sign positioned on a road island, median or within the restricted area as indicated in figure 2, Schedule 36 may not be used to carry a suburban advertisement.
7. No colours that may cause confusion with road traffic signs may be used.
 8. The background of the advertising sign may not be retro-reflective or fluorescent.
 9. No illumination or animation of a sign is permitted.
 10. A suburban advertisement may only be displayed if attached to a GL2 sign in terms of the specifications of the South African Road Traffic Signal Manual.

SCHEDULE 8
Estate agents' boards (Class 2(d)(i))
(Section 7(1)(b)(iv)(aa))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign is subject to deemed consent.
3. The maximum size of a sign is as follows:
 - (a) In a residential area in an area of maximum and partial control, a total area of 0,55 square metre for a single board, or a total area of 0,65 square metre for two joined boards;
 - (b) in an agricultural or commercial area (including centres of economic activity outside urban areas) in an area of maximum and partial control, a total area of 2 square metres for a single board, or 2,3 square metres a total area for two joined boards; and
 - (c) in an area of minimum control, a total area of 2,8 square metres for a single board, or a total area of 3,2 square metres for two joined boards.
4. Only one sign per estate agent may be displayed per premises.
5. A single "Sold" sign may be displayed flush against the fence or wall of the property for a maximum period of two weeks only.
6. Not more than two estate agents may display their signs simultaneously on the same premises.
7. The sign may be –
 - (a) placed at or fixed to the building concerned only;
 - (b) attached to the boundary fence of the premises concerned only; or
 - (c) displayed within the boundaries of such premises only;

- (d) fixed to the sidewalk, subject to the provisions of items 8 and 15, hereunder and the by-laws, and shall be anchored in such a way that no part of the sign or anchors will penetrate the ground by more than 100mm.
- 8. No sign may at any point project more than 1,3 metre from the wall of the building or structure to which it is affixed.
- 9. A sign may not be displayed on the centre median of a road or on any traffic island.
- 10. No specific limitations are imposed as to the colour or texture of a sign.
- 11. Illumination or animation of a sign is not permitted.
- 12. Application by each estate agency on an annual basis must be made to the municipality for permission to display estate agent signs and approval is subject to payment of an annual fee in accordance with the municipality's schedule of tariffs and charges as resolved upon by the municipality from time to time.
- 13. A deposit must be paid per agency against which a charge for the removal of any sign which contravenes the by-law, is levied, and in the event of such deposit being exhausted, permission to display such signage shall be withdrawn until a further deposit is paid to the Municipality.
- 14. Any estate agent sign unlawfully erected, or in contravention of the provisions of this Schedule, is subject to a charge by the municipality, calculated in accordance with the published schedule of tariffs and charges irrespective of whether such sign is removed by the Municipality or not.
- 15. Estate agent signs may not be positioned nearer than 2m from the roadway edge and may not pose a threat for possible injury to pedestrians, or obstruct pedestrian movement along a sidewalk.
- 16. Display of a sign is subject to the design and construction requirements as provided for in section 18, 19 and 21.
- 17. A sign may only contain the name, logo, address and telephone number of the selling or letting agent, and the words 'For Sale', 'To Let' or 'Sold'.
- 18. No flag, balloon or any other object which has as aim the drawing of the attention of a person to the sign, may be displayed.
- 19. A sign may not be used for commercial advertising.

SCHEDULE 9

Sale of goods or livestock signs (Class 2(d)(ii)) (Section 7(1)(b)(iv)(bb))

- 1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
- 2. Display of a sign is subject to deemed consent.
- 3. Only one sign per sale may be displayed.
- 4. The maximum size of a sign is as follows:

- (a) In an urban area of maximum or partial control, 2 square metres; and
 - (b) in an urban area of minimum control, 2,8 square metres.
- 5. No part of a sign may be higher than 3 metres above the ground.
- 6. Subject to the provisions of section 21(1)(e), a sign may be displayed on the premises or property where the advertised sale is to be held, or may be attached to the boundary fence of such property or premises only.
- 7. No specific limitations are imposed on the colour or texture of a sign.
- 8. Illumination or animation of this sign type is not permitted.
- 9. The provisions of section 18(1) and 19(5) apply to the design and construction of a sign.
- 10. A sign must be removed not later than five days after the auction or sale.
- 11. A sign may not be used for commercial advertising.

SCHEDULE 10
Pavement posters and notices (Class 2(d)(iii))
(Section 7(1)(b)(iv)(cc))

- 1. A sign may be displayed in an urban area of partial control and an urban area of minimum control only.
- 2. Display of a sign is subject to specific consent.
- 3. No person may advertise a commercial product, service, or event by means of a pavement poster or notice, however, commercial sponsorship of events is permissible, except on posters of a political nature.
- 4. Consent may be granted only to newspaper publishers to advertise the headline stories of the main newspapers subject to the following specifications:
 - (a) The commercial content of the poster may not exceed 20% of the area of the poster nor may such commercial lettering be larger than the main lettering in the remainder of the poster;
 - (b) the posters may only be attached to designated municipal electric light poles;
 - (c) only 1 headline poster per pole, regardless of which newspaper group it is, is permitted;
 - (d) a particular newspaper headline may only be displayed once on each approach to an intersection;

- (f) application must be made on an annual basis by each newspaper group for permission to display such signs, subject to an annual fee per newspaper group/per annum or part thereof; and
 - (g) a deposit per newspaper group must be paid annually against which a charge for the removal of any sign which contravenes the By-Law will be levied, and in the event of the above deposit being exhausted, permission to display such signage is to be withdrawn until a further deposit is submitted to the Municipality.
5. A poster may not exceed 0,55 square metre in size.
6. The lower edge of all formal frames/hoardings must be at least 2.4m above the normal ground level.
7. Only one frame/hoarding is allowed per pole or electric standard.
8. Posters may not be displayed closer than 30m from traffic intersections, measured from the near road reserve boundary.
9. The provisions of section 21(1)(a), 21(1)(e), and the following conditions apply to the position of a sign:
 - (a) A poster for a political campaign may be displayed on electric light standards only;
 - (b) a poster may not be displayed on power line standards, road traffic signs and signals, walls, columns and posts of verandas and balconies, electricity boxes, trees or bridges; and
 - (c) a poster may not cover any municipal markings or painted stripes on lamp posts.
10. No specific limitations are imposed on the colour or texture of a sign.
11. Illumination or animation of a sign is not permitted.
12. A poster of a political nature displayed on an electric light standard must be fixed to the standard by means of a suitable cord, and no metal clamps or wire may be used.
13. A poster other than of a political nature must be displayed in a durable frame with a plastic or perspex cover and must be permanently affixed to a lamp post by an adjudicated advertising agency, and the frame must be affixed by means of an easily removable metal clamp to allow municipal officials unrestricted access to lamp posts for maintenance purposes.
14. No steel or aluminium ladders may, in the process of attaching the poster to a standard, be placed against the standard on which the poster is to be erected.
15. The number of posters that may be displayed is as follows:
 - (a) Except in the case of posters for local or national government elections, a maximum of 1000 posters are allowable per event;
 - (b) in the case of government elections, only one poster may be displayed per pole per party or candidate, with a maximum of four posters per pole;
 - (c) except in the case of government elections, the same poster may not be displayed on any two consecutive poles; and

- (d) the number of all other kinds of posters displayed is limited to a maximum of not more than one poster for every third post or standard in one direction.
- 16. The name of the organisation, the date of the function and the venue must appear on the poster in letters not smaller than 50 millimetres in height, and posters displayed when advertising a specific event which is broadly cultural, of public interest, including entertainment events, exhibitions, and trade fairs, or sporting or religious in nature must have a sticker or marking signifying the approval of the Municipality.
- 17. A poster advertising a specific event which is broadly cultural, of public interest, including entertainment events, exhibitions, and trade fairs, or sporting or religious in nature, may be displayed only 10 days prior to the event, and must be removed within three days of the passing of the event
- 18. Posters relating to newspaper publishers to advertise the headline stories of the main newspapers may only be displayed for maximum period of 24 hours.
- 19. A poster relating to a parliamentary or municipal election or referendum may be displayed from the date of proclamation in the Government Gazette of an upcoming referendum or election to the end of the fourteenth day after the date of the election or referendum, at which date the poster, its backing boards and cord or string must be removed.
- 20. A sign in this class may not be used for commercial advertising.
- 21. A poster advertising a specific event which is broadly cultural, of public interest, including entertainment events, exhibitions, and trade fairs, or sporting or religious in nature, may not be displayed unless the prescribed deposit and fees have been paid.

SCHEDULE 11
Project boards (Class 2(d)(iv))
(Section 7(1)(b)(iv)(dd))

- 1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
- 2. Display of a sign is subject to specific consent in a rural area of maximum control and in an urban area of maximum control.
- 3. Display of a sign is subject to deemed consent in an urban area of partial control and in an urban area of minimum control.
- 4. A project board may not exceed 1,5 square metre per consultant or contractor, whether displayed as part of a combined project board or individually.
- 5. A combined project board may not exceed 9 square metres in total.
- 6. An individual or single board may be displayed only if no other consultants or contractors are involved, or if a combined project board has already been erected.
- 7. A sign describing the type of development may not exceed 3 metres in height and –
 - (a) may not, in an urban area of maximum control, exceed 4,5 square metres in size, and;
 - (b) may not, in any other area of control, exceed 6 square metres in size.

8. The provisions of section 21(1)(a), (c)(i) and (iii), and the following conditions apply to the position of a sign:
 - (a) Only one advertisement per contractor or consultant may be displayed per street frontage of a site;
 - (b) only one advertisement per contractor or consultant per project may be displayed in a rural area of maximum control;
 - (c) only one sign describing the type of development may be displayed per premises;
 - (d) a project board must be positioned within property boundaries only; and
 - (e) a project board concerning road construction may be positioned in any road reserve, including a freeway.
9. No specific limitations are imposed on the colour or texture of a sign.
10. Illumination or animation of a sign is not permitted.
11. A sign may describe the building or structure being erected, or other work or activity being carried out while the project is in progress only, and the names of the contractors or consultants concerned in such work or activity, and the branches of the industry or the professions of the contractors or consultants may be listed.
12. Where a sign describes the type of development being carried out on a site, details concerning the type of accommodation being provided, the floor space available and the name, address and telephone number of the developer or his agent may be contained in the sign.
13. A sign may not be used for commercial advertising.
14. A sign in this class must be removed within 7 days after completion of the project.

SCHEDULE 12
Temporary window signs (Class 2(d)(v))
(Section 7(1)(b)(iv)(ee))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign is subject to deemed consent.
3. The total area of all temporary signs, which are painted on or attached to the windows of a specific enterprise may not exceed –
 - (a) 10 percent of the total ground-floor window area of such enterprise in an urban area of maximum control;
 - (b) 25 percent of the total ground-floor window area of such enterprise in an urban area of partial control; and
 - (c) 50 percent of the total ground-floor window area of such enterprise in an urban area of minimum control.

4. Display of a sign is limited to ground-floor windows.
5. No limitations are imposed on the colour or texture of a sign.
6. Subject to the provisions of section 18(1), 19(4), 21(e) and 22, no internally illuminated signs displayed inside a building in an urban area of maximum control may be visible from outside the building.
7. Display of a sign is subject to the safety requirements as provided for in sections 18(1) and 18(2).
8. Price tags smaller than 0,01 square metre on items inside buildings are excluded from this class.
9. A sign may not be used for commercial advertising.

SCHEDULE 13
Illuminated Street name advertisement signs (Class 2(e))
(Section 7(1)(b)(v))

1. Street name advertisements may be displayed in urban areas along proclaimed main roads and in those roads reserves, which are determined by the municipality from time to time, within an urban area of partial control and an urban area of minimum control only.
2. Street name advertisements may not be displayed in residential areas.
3. Display of street name advertisements is subject to specific consent.
4. The advertising and street name sections must be rectangular in shape.
5. In the case of Street name advertisements –
 - (a) the street name section –
 - (i) must be below the advertising section, but not closer than 200 millimetres to the advertising section; and
 - (ii) may not have a clear height of less than 2,1 meters; and
 - (b) the advertising space may not be smaller than 0,8 square metre, and may not exceed 1,2 square metre.
6. The illuminated parts of the sign, must be above the level of standard pole-mounted traffic lights and may not extend over the road surface.
7. The provisions of section 22(1)(a) and (c), and the following conditions apply to the position of a sign:
 - (a) A street name advertisement may be displayed at an intersection only, with a maximum of two illuminated signs displayed per intersection; and
 - (b) a street name advertisement may be displayed within an urban road reserve other than a freeway, and on a road median.

8. Static illumination is allowed, but the colours red, amber and green may not be used at signalised traffic intersections.
9. The street name must be in black letters on a white background.
10. Subject to the conditions of section 18(1), 19(4), 21(e) and 22, the following conditions apply to the illumination and animation of a sign:
 - (a) Internal illumination of both sections of the sign is permitted, on the condition that the degree of illumination intensity must be equal for both parts of the sign;
 - (b) no form of animation is permitted; and
 - (c) a sign may not flash.
11. A street name on the advertising space must be smaller and less conspicuous than the street name on the actual street name panel, and the layout of the advertising panel must be such that there may not be any confusion with the street name on the street name panel of the sign.
12. Advertising on a directory signboard may include the name and logo only of the industry, and a standard directional arrow.
13. The name only of the street may appear on the street name panel and the words "Street", "Avenue", "Way", or words with a similar denotation may not be used.
14. A street name advertisement should be aimed primarily at advertising and identifying:
 - (a) A shopping centre and groups of shops in an arcade or plaza;
 - (b) a community facility as provided for in the municipal Zoning Scheme;
 - (c) a parking area; or
 - (d) a larger and more prominent enterprise and institution, such as an apartment store, a bank and financial institution, an industry, a filling station, and an hotel.

SCHEDULE 14
Neighbourhood watch signs and signs relating to similar schemes (Class 2(f))
(Section 7(1)(b)(vi))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign is subject to deemed consent.
3. A sign may not exceed 0,35 square metre in area.
4. The clear height of a sign may not exceed 3 metres.
5. In urban areas only one sign may be displayed per street boundary of a stand or subdivision, and the sign must be firmly affixed to the building, boundary wall, fence or gate on the street frontage, or must be displayed within the boundaries of the stand.

6. A neighbourhood watch sign may be displayed within a road reserve other than a freeway at the point of entry to the watch area, but a sign may not be positioned on a road island, road median, or inside a restricted area at street corners as represented in Figure 2, Schedule 36.
7. No specific limitations are imposed on the colour or texture of a sign.
8. Illumination or animation of a sign is not permitted.

SCHEDULE 15
Product replicas and three-dimensional signs (Class 2(g))
(Section 7(1)(b)(vii))

1. A sign may be displayed in an urban area of partial control and an urban area of minimum control only.
2. A sign may not be displayed on municipal land or within formal road reserves.
3. Display of a sign in an urban area of partial control is subject to specific consent.
4. Display of a sign in an urban area of minimum control is subject to deemed consent.
5. The highest point of any free-standing sign may not be more than 3 meters above ground level.
6. Individual signs may not exceed a vertical dimension of 1,5 meters and a diameter of more than 1 meter .
7. Only one sign per enterprise may be attached to buildings or displayed on individual premises, and a sign may not exceed a total sign area of 3 cubic metres in an urban area of partial control, and a total sign area of 6 cubic metres in an urban area of minimum control.
8. A sign attached to a building may not be displayed above the bottom edge of the second-floor window, and may not extend above the level of the underside of the eaves or gutter of the building.
9. A sign may not be placed in front of, or obstruct the view from any window or any other external opening of a building.
10. Items 6 and 7 do not apply to entertainment districts.
11. Signs aimed at the road user must be spaced at the following minimum distances when in view of each other and on the same side of the road:
 - (a) On a road with a speed limit of 81 kilometres per hour and higher the distance between signs may not be less than 250 metres;
 - (b) on a road with a speed limit between 61 kilometres per hour and 80 kilometres per hour the distance between signs may not be less than 200 metres; and
 - (c) on a road with a speed limit below 60 kilometres per hour the distance between signs may not be less than 120 metres.
12. No specific limitations are imposed on the colour or texture of a sign.

13. Subject to the provisions of section 18(1), 19(4) and 22, illumination or animation of a sign is allowed.
14. A product replica may not dominate prominent architectural features of a building, with the exception of buildings in entertainment districts.

SCHEDULE 16
Sky signs (Class 3(a))

(Section 7(1)(c)(ii))

1. A sign be displayed in an urban area of partial control and an urban area of minimum control only and is subject to specific consent.
2. A sign may be displayed only after an environmental impact assessment, which includes visual, social and traffic safety aspects, has been undertaken and has been submitted by the applicant to the municipality and which has been approved by the municipality.
3. A sign may not exceed a maximum size of 150 square metres, unless the municipality, after being requested therefore in writing, grants an exemption for a sign up to a maximum size of 300m².
4. A maximum of only one sign per skyscraper may be displayed.
5. The municipality, having regard to the outcome of an impact assessment, and having taken into consideration factors such as the size and character of the business centre and surrounding area, the lifestyle of the local community, and the nature of host skyscraper, shall specify the size of a sign and the number of signs which may be displayed, and a person who intends to display a sign may not display a sign in contravention of the municipality's specifications.
6. A sign may not project in front of a main wall of a host building so as to extend in any direction beyond the roof of such a building.
7. A sign may not obstruct the view from any other building or a prominent viewpoint in the towny.
8. In the instance where cluttering of signs occurs, the municipality may by written notice in terms of section 11(2) require the person who displays a sign to remove the sign within a specified period.
9. No specific limitations are imposed on the colour or texture of a sign.
10. Subject to the provisions of sections 18(1), 19(4) and 22, illumination of a sign is allowed.
11. A sign must be designed by a structural engineer.
12. The municipality may approve the display of a sign for a period not exceeding five years.
13. The advertisement contents of an approved sign may not be changed without approval by the municipality based on an additional impact assessment submitted to and approved by the municipality.

SCHEDULE 17
Roof signs (Class 3(b))
(Section 7(1)(c)(ii))

1. A sign may be displayed in an urban area of partial control and an urban area of minimum control only.
2. Display of a sign is subject to specific consent.
3. A sign may not be so affixed that the bottom of the sign is more than 1,2 metre above the nearest portion of the roof beneath it.
4. A sign must be constructed in a straight line, except in the case of a V-construction, where the two sides forming the sides of the V must be of equal length, and the distance between the sides at the open end furthestmost from the apex of the V may not exceed the length of the sides.
5. A sign may not exceed in size the following areas:
 - (a) The maximum area of a sign may not exceed two square metres when the height of the sign above ground level is under six metres;
 - (b) the maximum area of a sign may not exceed four square metres when the height of the sign above ground level is between six metres and nine metres;
 - (c) the maximum area of a sign may not exceed eight square metres when the height of the sign above ground level is between nine metres and 12 metres;
 - (d) the maximum area of a sign may not exceed 12 square metres when the height of the sign above ground level is between 12 metres and 18 metres; and
 - (e) the maximum area of a sign may not exceed 18 square metres when the height of the sign above ground level is greater than 18 metres.
6. In the case of a V-construction sign the above areas apply separately to the two vertical faces of the sides forming the V.
7. A sign may not exceed 300 millimetres in thickness, except in the case of a V-construction sign.
8. Only one sign may be displayed per building.
9. A sign may not project in front of a main wall of a building so as to extend in any direction beyond the roof of such building.
10. In an urban area of partial control, a sign must be placed well below the ridge of a pitched roof so as not to form part of the skyline of such building.
11. No specific limitations are imposed on the colour or texture of a sign.
12. Subject to the provisions of section 18(1), 19(4) and 22, illumination of a sign is allowed.
13. No advertising of this class of signs may be done on residential buildings.

SCHEDULE 18
Flat signs (Class 3(c))
(Section 7(1)(c)(iii))

1. A sign may be displayed, subject to specific consent, in an urban area of maximum control, an urban area of partial control and an urban area of minimum control, and at centres of economic activity in an urban area of minimum control.
2. Display of a sign is limited to buildings utilised for commercial, office, industrial or entertainment purposes, and larger accommodation facilities.
3. A non-locality bound sign may not be displayed on a building used mainly for residential purposes or for community services, or a community institution, a small enterprise and a practice on residential premises, or a small-scale residential-oriented accommodation.
4. Only a locality-bound sign may be displayed in a rural area of maximum control and an urban area of maximum control.
5. The requirements concerning consent are as follows:
 - (a) Display of a sign in a rural area of maximum control and an urban area of maximum control is subject to specific consent;
 - (b) display of a sign in an urban area of partial control and an urban area of minimum control is subject to specific consent for a non-locality bound sign;
 - (c) display of a sign in an urban area of partial control and an urban area of minimum control is subject to specific consent for a locality-bound sign above first-floor level; and
 - (d) display of a sign in an urban area of partial control and an urban area of minimum control is subject to deemed consent for a locality-bound sign at first or ground-floor level.
6. A sign in excess of 36 square metres in size may be displayed only after an assessment, which can include environmental, visual, traffic or social aspects, has been undertaken and has been submitted to and approved by the municipality.
7. In an urban area of partial control and an urban area of minimum control, flat signs may be displayed at ground or first-floor level in accordance with the commercial, industrial or entertainment character of such zones, but the aesthetic control of the signs will be determined by the municipality from time to time.
8. The maximum size for a sign is as follows:
 - (a) In the case of a locality-bound sign, the total sign area for an enterprise may not exceed 20 percent of a specific ground-floor facade of the enterprise where the enterprise is situated in an urban area of maximum control;
 - (b) in the case of a locality-bound sign, the total sign area for an enterprise may not exceed 30 percent of a specific ground-floor façade of the enterprise where the enterprise is situated in an urban area of partial control and an urban area of minimum control;

- (c) in the instance of a shopping centre, wall units on which flat signs are displayed may not exceed 30 percent of a specific facade of the shopping centre, excluding office levels; and
 - (d) in the case of a non-locality-bound sign, the sign may not exceed 72 square metres, and the actual size of the sign will depend on the size of the specific side wall and on factors such as the character of the building and the streetscape as a whole.
9. The maximum projection of any part of a sign over a footway or ground level is 75 millimetres where the sign is less than 2,4 metres above the sidewalk or ground level immediately below the sign, and 600 millimetres where the sign is more than 2,4 metres above such footway or ground level, subject to the payment of encroachment fees, where applicable.
10. No more than one sign per enterprise may be displayed in a rural area of maximum control and an urban area of maximum control, and no more than two flat signs per enterprise may be displayed in an urban area of partial control and an urban area of minimum control.
11. A sign may consist of a panel or sheet or of individual numbers, letters or symbols.
12. A sign may not cover a window or any other external opening of a building, or obstruct the view from such opening.
13. A sign may not extend above the top or beyond either end of a wall.
14. A sign may be attached to a flat wall surface only.
15. A non-locality-bound sign may be attached to the side wall of a building only.
16. A locality-bound sign may not be displayed above the lower edge of a visible second-floor window in a specific building façade, but a locality-bound sign for the following enterprises or function is excluded from this condition:
 - (a) A bank and a financial institution;
 - (b) a larger apartment store;
 - (c) a larger hotel;
 - (d) a larger industry;
 - (e) a government institution;
 - (f) a shopping centre; and
 - (g) a building's name.
17. Items 12 – 16 of this Schedule do not apply to entertainment areas.
18. A sign may at no point project more than 300 square millimetres from the surface of the main wall.
19. No limitations are imposed on the colour or texture of a sign.
20. Subject to the provisions of section 18(1), 19(4) and 22, illumination of a sign is allowed.

21. A wall unit designed to display a flat sign at a shopping centre must be designed in such a way as to form a structural and architectural whole with the building of the shopping centre.

SCHEDULE 19
Projecting signs (Class 3(d))
(Section 7(1)(c)(iv))

1. A sign may be displayed in an urban area of maximum control, an urban area of partial control, and an urban area of minimum control, and at centres of economic activity in a rural area of maximum control.
2. Display of a projecting sign is limited to a building utilised for commercial, office, industrial or entertainment purposes and to a larger accommodation facility.
3. A sign may not be displayed on a building used for residential purposes or for community services or community institutions, a small enterprise and a practice on residential premises, or a small-scale residential-oriented accommodation.
4. Only a locality-bound sign may be displayed.
5. Consent requirements are as follows:
 - (a) Display of a sign in a rural area of maximum control and an urban area of maximum control is subject to specific consent;
 - (b) display of a sign in an urban area of partial control and an urban area of minimum control is subject to specific consent; and
6. A projecting sign may not be affixed at a clear height of less than 2,4 metres.
7. A projecting sign may not exceed 300 millimetres in thickness.
8. The maximum sizes and dimensions of signs displayed in an urban area of maximum control are as follows:
 - (a) Where the clear height of the sign is below six metres, the maximum size of the sign may not exceed 1,2 square metre, the maximum horizontal width may not exceed one metre, and the maximum vertical length may not exceed 1.5 metre; and
 - (b) where the clear height of the sign is above six metres, the maximum size of the sign may not exceed four square metres, the maximum horizontal width may not exceed 1,5 metre, and the maximum vertical length may not exceed three metre.
9. The maximum size and dimension of a sign displayed in an urban area of partial control and an urban area of minimum control is as follows:
 - (a) Where the clear height of the sign is below six metres, the maximum size of the sign may not exceed 2,4 square metres, the maximum horizontal width may not exceed 1,5 metres, and the maximum vertical length may not exceed three metres; and
 - (b) where the clear height of the sign is above six metres, the maximum size of the sign may not exceed eight square metres, the maximum horizontal width may not exceed two metres, and the maximum vertical length may not exceed five metres.

10. Only one sign may be displayed per enterprise facade.
11. In an urban area of partial control and an urban area of minimum control, a projecting sign may be displayed below the lower edge of a visible second-floor window in accordance with the commercial, industrial or entertainment character of such area, and the aesthetic control of the sign will be determined by the municipality from time to time.
12. The display of a projecting sign above the lower edge of a visible second-floor window is limited to the following enterprises or function:
 - (a) a bank and a financial institution;
 - (b) a larger apartment store;
 - (c) a larger hotel;
 - (d) a larger industry;
 - (e) a government institution;
 - (f) a shopping centre; and
 - (g) a building's name.
13. A sign may not be affixed otherwise than at right angles to the street line.
14. A sign may not extend beyond the top of the main wall to which it is affixed or above the level of the top of any parapet wall, or above the level of the underside of the eaves or gutter of a building from which the sign projects.
15. A sign may be suspended above a sidewalk and thus above an urban road reserve.
16. A sign with a clear height of less than six metres may not project at any point more than 800 millimetres from the surface of the main wall to which it is affixed, or more than one half of the width of the sidewalk immediately below such sign, whichever is the smaller dimension.
17. A sign may not be affixed in any way other than the top and the bottom of the sign being in the same vertical plane.
18. No specific limitations are imposed on the colour or texture of a sign.
19. Subject to the provisions of section 18(1), 19(4) and 22, illumination of a sign is allowed.
20. The provisions of section 21(1)(e) apply with regard to an illuminated sign within a restricted area on a street corner.
21. The supports of a sign must be neatly constructed as an integral part of the design of the sign, or else must be concealed from view.
22. A person who intends to display a projecting sign with a clear height of more than six metres, must submit a structural drawing to the municipality for consideration and approval by the municipality.

SCHEDULE 20
Veranda, balcony, canopy and underawning signs (Class 3(e))
(Section 7(1)(c)(v))

1. A sign may be displayed in an urban area of maximum control, an urban area of partial control, an urban area of minimum control, and at centres of economic activity in a rural area of maximum control.
2. Display of a sign in –
 - (a) a rural area of maximum control is subject to specific consent;
 - (b) an urban area of maximum control is subject to specific consent;
 - (c) an urban area of partial control is subject to deemed consent; and
 - (d) an urban area of minimum control is subject to deemed consent.
3. If a sign is affixed flat onto or painted on –
 - (a) a parapet wall;
 - (b) balustrade;
 - (c) railing of a veranda;
 - (d) railing of a balcony;
 - (e) the fascia of a veranda;
 - (f) a beam over veranda columns; or
 - (g) a fascia of a roof structure without walls,
 such sign may not –
 - (i) project at any point more than 100 millimetres from the surface to which it is affixed;
 - (ii) exceed a depth of 750 square millimetres and a length of 2,4 metres; and
 - (iii) extend above or below or beyond any of the extremities of the parapet wall, balustrade, railing, beam or fascia, as the case may be.
4. Not more than one of the signs contemplated in item 3(a) – (g) may be displayed per enterprise facade, except in the case of an enterprise with a facade exceeding 20 metres in length, in which case –
 - (a) more than one sign may be displayed;
 - (b) the signs must be spaced at a minimum of six metres intervals; and
 - (c) the total sign length per enterprise facade is limited to four square metres.
5. A sign on a balcony may not be displayed above the lower edge of any visible second-floor window.

6. An underawning sign -
 - (a) must be aimed at pedestrians;
 - (b) must be fixed at right angles to the street line;
 - (c) must have a minimum clear height of 2,4 metres;
 - (d) may have a maximum sign length of two metres; and
 - (e) may have a maximum sign area of one square metre on each face with a maximum of two square metres in total sign area.
7. No more than one underawning sign may be displayed per enterprise facade, except in the case of an enterprise façade which exceeds 20 metres in length, in which case more than one sign may be displayed, and the signs must be spaced at a minimum of six metres intervals.
8. A sign on top of a veranda roof –
 - (a) may be placed on top of a veranda roof only where such a veranda does not have an appropriate parapet wall, balustrade, railing, fascia or beam on which a sign may be affixed;
 - (b) must be set parallel to the end of the veranda that faces the street or as near thereto as the configuration of the veranda roof will permit;
 - (c) may not extend beyond the extremities of the veranda roof, nor project beyond the rear of any veranda roof gutter;
 - (d) may not cover any window or obstruct the view from any such window; and
 - (e) may not exceed a maximum area of one square metre.
9. Signs on top of veranda roofs on adjacent buildings must be aligned with each other in order to form a straight line.
10. Only one sign may be displayed on top of a veranda roof per enterprise facade.
11. The following conditions apply to a sign painted on or affixed to a supporting column, pillar or post, as the case may be:
 - (a) A sign must be painted on or affixed flat onto the supporting column, pillar or post;
 - (b) a projecting sign may be affixed to a column, pillar or post supporting a roof over fuel pumps at a filling station or roadside service area only, and may not exceed one square metre per sign face or two square metres per total sign area;
 - (c) a sign affixed flat onto a supporting column, pillar or post may not project more than 50 millimetres from the surface to which it is affixed;
 - (d) a sign affixed flat onto a supporting column, pillar or post may not extend beyond any of the extremities of such a column, pillar or post;
 - (e) a sign affixed flat onto a non-rectangular supporting structure must be curved to fit the form of such structure;

- (f) only one sign may be displayed per pillar, post or column, and this applies also to a sign projecting from a pillar, post or column supporting a roof at fuel pumps; and
- (g) no posters or placards may be pasted onto a supporting column, pillar or post.
- 12. A canopy sign must form an integral part of the canopy or blind without dominating the canopy structure or blind.
- 13. A sign may be suspended above a sidewalk and therefore above an urban road reserve, but may not be displayed on a freeway.
- 14. No limitations are imposed on the colour or texture of a sign.
- 15. Subject to the provisions of sections 18(1), 19(4) and 21(1)(e), no illuminated sign or sign designed to reflect light may be attached to or displayed at a street intersection on any splayed or rounded corner of a veranda, canopy or balcony, unless the clear height of the sign is six metres.
- 16. This Schedule applies to the display of a sign on a roof structure covering fuel pumps, and the display of a sign attached to a roof structure pillar at a filling station and roadside service area.

SCHEDULE 21
Signs painted on walls and roofs (Class 3(f))
(Section 7(1)(c)(vi))

- 1. A sign be displayed in an urban area of partial control and an urban area of minimum control only.
- 2. Display of a sign is subject to specific consent.
- 3. A sign painted onto the facade or roof of a building may not exceed 20 percent of the ground floor facade of the enterprise to which such sign pertains.
- 4. The total area of all signs painted onto the side walls of a building may not exceed 36 square metres, and the actual size of a sign will depend on the size of the side wall concerned and on other factors, such as the character and appearance of the building and the streetscape as a whole.
- 5. The following conditions apply to the position of a sign:
 - (a) A non-locality-bound sign may not be displayed on the side wall of a building;
 - (b) a locality-bound sign may be displayed on a facade wall, roof and side wall; and
 - (c) a sign painted onto the facade of a building may be displayed at a position below the lower edge of any visible second-floor window only.
- 6. No specific limitations are imposed on the colour or texture of a sign.
- 7. Illumination of a sign is not permitted.
- 8. Signs in this class may only be painted on the main walls or roof of a building used for commercial, office, industrial or entertainment purposes.

SCHEDULE 22
Window signs (Class 3(g))
(Section 7(1)(c)(vii))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control, and at centres of economic activity in a rural area of maximum control.
2. A sign may be displayed on ground-floor windows only.
3. Display of a sign is subject to deemed consent.
4. The total area of all permanent signs painted on or attached to the windows of a specific enterprise may not exceed –
 - (a) 10 percent of the total ground-floor window area of such enterprise in an urban area of maximum control;
 - (b) 25 percent of the total ground-floor window area of such enterprise in a rural area of maximum control and an urban area of partial control; and
 - (c) 50 percent of the total ground-floor window area of such enterprise in an urban area of minimum control.
5. A sign may not be displayed above ground-floor level.
6. In an urban area of maximum control colours must be in harmony with the rest of the building and the general streetscape.
7. No specific limitations are imposed in other areas of control.
8. No internally illuminated signs inside a building may be visible from outside the building in an urban area of maximum control.

SCHEDULE 23
Signs incorporated in fabric of building (Class 3(h))
(Section 7(1)(c)(viii))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign is subject to specific consent.
3. No specific limitations are set on the shape, size and height of a sign, however the building, or structure, or any external face of the building or structure may not be used principally for the display of signs.
4. No sign displayed may distract the attention of a driver in a manner likely to lead to unsafe driving conditions.
5. A sign must be in balance with the scale of the building and must be visually and architecturally integrated into the building or structure.
6. A sign must be maintained properly.

7. No sign may be displayed in such a manner as to be detrimental to or have a negative aesthetic impact on the urban design, streetscape or character of the environment.

SCHEDULE 24
Signs on forecourts of business premises (Class 3(I))
(Section 7(1)(c)(ix))

1. A sign may be displayed in an urban area of maximum control, an urban area of partial control, and an urban area of minimum control, and on forecourts in centres of economic activity in a rural area of maximum control.
2. Display of a sign is subject to deemed consent.
3. An individual free-standing forecourt sign may not –
 - (a) exceed 1,64 square metres in size if it is a single-sided sign; and
 - (b) exceed 3,28 square metres in size if it is a double-sided sign.
4. The total area for all free-standing forecourt advertisements displayed may not exceed five square metres on each forecourt frontage to a premises.
5. The total area for all free-standing advertisements displayed on the forecourts at filling stations and roadside service areas may not exceed eight square metres per forecourt frontage.
6. The maximum size of a non-free-standing sign attached to a fuel pump, vending machine and a similar non-advertising structure at a filling station and service area, may not exceed 0,15 square metre.
7. The provisions of section 21(1)(e), and the following conditions apply to the position of a sign:
 - (a) A notice, sign or advertisement must be free-standing with the exception of an additional sign area attached to a fuel pump and similar non-advertising structure at a filling station and roadside service;
 - (b) display of a sign is not permitted inside a formal road reserve;
 - (c) a forecourt sign may not be positioned in such a way as to interfere with pedestrian circulation; and
 - (d) a sign must be aimed at passing pedestrians and the users of the forecourt space concerned and may not be aimed at passing motorists.
8. No limitations are imposed on the colour or texture of a sign.
9. Subject to sections 18(1), 19(4), and 22, illumination of a sign is allowed.
10. No animation of a sign is allowed.
11. A hand-written message is allowed on a board provided for writing messages on.

SCHEDULE 25
Signs for residential-oriented land use and community services (Class 3(j))
(Section 7(1)(c)(x))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign is subject to deemed consent.
3. The following conditions apply to the display of direction and warning signs and notices such as "Beware of the dog", and "Burglar Alarm":
 - (a) A sign may not exceed a total area of 0,08 square metre per premises; and
 - (b) if there is more than one entrance to the premises on different road frontages, a total sign area of 0.16 square metre may be displayed, with not more than 0,08 square metre per frontage.
4. The following conditions apply to the display of a sign indicating the name and the nature of an accommodation facility, including a bed-and-breakfast establishment, a crèche or any other pre-school caring centre, within an area with a residential character:
 - (a) One sign with a maximum area of one square metre per premises may be displayed;
 - (b) if there are more than one entrance to the premises on different road frontages, two signs with a combined maximum area of 1,5 square metre each may be displayed with each on a different frontage;
 - (c) where a solid supporting structure is provided, the maximum area per sign, including the supporting structure, may not exceed three square metres and the sign panel or lettering may not occupy more than 50 percent of the total sign area;
 - (d) where more than one smallholding or farm share the same unnumbered or private access route a combination sign or collective board must be provided which will allow for one square metre per farm or smallholding; and
 - (e) where more than one enterprise share the same premises, a combination sign or collective board must be provided which allows for one square metre per enterprise.
5. Where a sign indicates the name and nature of home occupation from a place of residence, an accommodation facility, or the name of a proprietor, partner or practitioner, one sign with a maximum area of 0,08 square metre may be displayed per premises.
6. The following conditions apply to a sign indicating the name and nature of an institution or other community facility:
 - (a) A sign with a maximum area of three square metres may be displayed per premises;
 - (b) if there are more than one entrance to the premises on different road frontages, two signs with a maximum area of three square metres each may be displayed, with each on a different frontage;
 - (c) where a solid supporting structure forms part of the sign, the total sign area may be enlarged to six square metres, and the actual sign panel or lettering may not occupy more than 50 percent of the total sign area; and

- (d) where more than one institution or community facility share the same premises, a combination sign or collective board may be displayed which allows for two square metres per institution or community facility.
7. Where a sign indicates a street number, one sign may be displayed per road frontage of each premises, with a minimum letter size of 150 millimetres and a maximum size of 350 millimetres.
8. The highest point of any single free-standing sign may not extend three metres above ground level, and the highest point of any combination sign may not extend four metres above ground level.
9. The name or logo, or both the name and logo of the sponsor of a sign may be displayed on the name signs of smallholdings only, and may not occupy more than one-third of the total area of the sign.
10. A sign may be displayed on the premises to which it specifically refers, or on the boundary wall or fence or gate of such premises only.
11. A farm or smallholding name sign may be displayed next to the entrance of the access road to the homestead, or alternatively may be affixed to the gate at the entrance of such access road.
12. Where several smallholdings share the same unnumbered or private access road –
 - (a) a collective board or combination sign may be displayed at the entrance to the access road, but no smallholding name sign may be displayed if any official traffic sign bearing a destination or route number is displayed at the entrance to such access road; or
 - (b) a combination sign or collective board may be provided which will allow for one square metre per farm or smallholding.
13. Where several smallholdings share an access road, a sign indicating the property numbers in question only may be displayed, and not a combination sign indicating property names and names of owners.
14. The display of a sign in this class is allowed inside such a restricted area only if there is no other appropriate way of displaying the sign, however the sign may not be displayed inside a road reserve.
15. The colour or texture of a sign must, wherever possible, harmonise with the building on the premises.
16. No animation of a sign is permitted.
17. No illumination of a sign is permitted in a rural area of maximum control.
18. The illumination of signs in urban areas of control must comply with the provisions of sections 18(1), 19(4) and 22.
19. The design and construction of a sign, a sign, and a supporting structure must harmonise, wherever possible, with the buildings and other structures on the premises as regards materials, colour, texture, form, style and character.

20. A free-standing sign may only be displayed when it is not practical or visually acceptable to attach a sign to a building, boundary wall, boundary fence, gate or gate structure.

SCHEDULE 26
On-premises business signs (Class 3(k))
(Section 7(1)(c)(xi))

1. For the purposes of this Schedule, the term 'premises' in the definition of "locality bound sign" includes a shopping centre, or industrial estate as a whole, or a communal parking area together with related enterprises.
2. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
3. Display of a sign is subject to specific consent.
4. A sign may only be displayed in the following instances:
 - (a) Where the building housing an enterprise is situated relatively far back from the road or street onto which it faces, and a passing motorist or pedestrian may have difficulty in noticing a sign affixed to such building;
 - (b) where it is not structurally possible or visually feasible to display an appropriate sign on a building, such as a sign contemplated in section 7(1)(c)(iii), being a sign in subclass 3(c) (flat signs), a sign contemplated in section 7(1)(c)(iv), being a sign in the subclass 3(d) (projecting signs), or a sign contemplated in section 7(1)(c)(v), being a sign in the subclass 3(e) (veranda, balcony, canopy, and underawning signs);
 - (c) where a sign is needed to locate the entrance to business premises or the private access road to a business; or
 - (d) where a free-standing combination sign may prevent a proliferation of signs.
5. Only one sign per enterprise may be displayed on a combination sign.
6. If there is more than one entrance to premises on different road frontages, two signs or advertising panels may be displayed per enterprise, each on a different road frontage.
7. Display of a sign at a farm stall or an access road to a farm or smallholding in an urban area of maximum control is subject to the following conditions:
 - (a) A maximum sign area of two square metres is permitted, provided that where a sign is affixed to a non-advertising structure such as a boundary wall, gate or gate structure, the sign may not occupy more than 50 percent of the structure to which it is affixed;
 - (b) a sign may not extend above or beyond any of the extremities of the structure to which it is affixed;
 - (c) where a solid advertising structure is used, the maximum area per sign, including the supporting structure, may not exceed four square metres, and the sign panel or lettering may not occupy more than 50 percent of the total sign area; and
 - (d) where a sign is incorporated in a combination sign displayed at an access road, the maximum sign panel area may not exceed 1,5 square metre.

8. Display of a sign, excluding a sign displayed in terms of item 4(c) above, in an urban area of maximum control is subject to the following conditions:
 - (a) A maximum sign area of 4,5 square metres is permitted, provided that where a sign is affixed to a non-advertising structure such as a boundary wall or gate structure, it may not occupy more than 50 percent of the structure to which it is affixed;
 - (b) a sign may not extend above or beyond any of the extremities of the structure to which it is affixed;
 - (c) where a solid advertising structure is used, the maximum area per sign, including the supporting structure, may not exceed nine square metres, but the actual sign panel or lettering may not occupy more than 50 percent of the total sign area; and
 - (d) where a sign is incorporated in a combination sign, the maximum sign panel area per sign panel may not exceed three square metres.
9. Display of a sign in an urban area of partial control and an urban area of minimum control is subject to the following conditions:
 - (a) For a combination stacked sign, a maximum size of 14 square metres and these signs shall have a clear height of not less than 2,1 metres. No panel of a stacked structure(s) shall exceed a maximum size of 4,5 m² and the clear height of a stacked structure shall not be less than 2,1 meter.
 - (b) Stacked structures should harmonize aesthetically with buildings and streetscapes.
 - (c) A maximum sign area of 4, 5 square metres for other signs that are not combination stacked signs is permitted with provided that where a sign is affixed to a non-advertising structure such as a boundary wall or gate structure it may not occupy more than 50 percent of the structure to which it is affixed;
 - (d) a sign may not extend above or beyond any of the extremities of the structure to which it is affixed;
 - (e) where a solid advertising structure is used, the maximum area per sign, including the supporting structure, may not exceed 12 square metres, but the actual sign panel or lettering may not occupy more than 50 percent of the total sign area; and
10. The following conditions apply to the height of a sign:
 - (a) The highest point of a single-freestanding sign at a farm stall and a farm access road in an urban area of maximum control may not exceed a height of three metres above ground level, and that of any other sign may not exceed four metres;
 - (b) the highest point of a combination sign at a farm stall and a farm access road in an urban area of maximum control may not exceed a height of four metres above ground level, and that of any other combination sign may not exceed seven metres;
 - (c) the highest point of a single-freestanding sign in an urban area of partial control and an urban area of minimum control may not exceed a height of four metres above ground level; and

- (d) the highest point of a combination sign in an urban area of partial control and an urban area of minimum control may not exceed a height of 10 metres above ground level.
11. The name or logo, or both the name and logo of the sponsor of an on-premises business sign may not occupy more than one-third of the total area of a sign, and it must refer to products and services available on those specific premises or at that specific enterprise.
12. A sign displayed in an urban area of partial control and an urban area of minimum control may not have in its design any letters, figures, symbols or similar features over 0,75 metre in size.
13. A sign displayed in an urban area of maximum control may not have in its design any letters, figures, symbols or similar features over 0,35 metre in size.
14. A sign displayed may not serve as an advance sign and may be displayed only on the premises where the business is conducted.
15. Where a business or enterprise, such as a stall or guest-house is situated on a large property such as a large smallholding, the sign must be placed in the immediate vicinity of the enterprise if such enterprise is adjacent to or visible from a public road, but if the enterprise is not adjacent to or visible from a public road, the sign must be placed at the entrance of the private access road to the enterprise.
16. A sign indicating a roadside enterprise, such as a farm stall or a roadside café may not be closer than five metres from a road reserve fence, and such enterprise must have direct access to the public road.
17. A combination sign displayed at a shopping centre or industrial estate and which contain a large amount of information must be designed and located with care so as not to create a traffic safety hazard because of an information overload.
18. No sign may obstruct the view from any adjacent building.
19. No limitations are imposed on the colour or texture of a sign.
20. The provisions of section 18(1),19(4), 21(e), 22, and the following conditions apply to the illumination and animation of a sign:
 - (a) Internal and external illumination is permitted in an urban area of partial control and an urban area of minimum control;
 - (b) external illumination only is permitted in an urban area of maximum control; and
 - (c) animation is prohibited in all areas of control.
21. A sign may contain only –
 - (a) the name and nature of the business or enterprise on the premises, except where such a sign is constructed on an approved lay-by area where vehicles can safely park out of flowing traffic , then such signs may contain the contact numbers of a business as well;
 - (b) the brand-name and nature of the goods for sale or goods produced;
 - (c) the nature of services provided; and

- (d) the name of the person or persons who owns or own the business or who provides or provide the goods or services at the premises, or the firm or firms which owns or own the business or which provides or provide the goods or services at the premises.
22. The design and construction of a sign must be aimed at the prevention of proliferation of signs at shopping centres, other premises, or access roads housing or leading to several enterprises, and –
- (a) individual signs must be incorporated in a combination sign, and the design of a combination sign must be of a high standard and must harmonise with the architecture of the shopping centre or other buildings or structures, such as entrance gates;
 - (b) messages displayed on the individual panels or boards of a combination sign must be concise and legible; and
 - (c) signs displayed at access roads to farms or smallholdings must be co-ordinated with a sign contemplated in section 7(1)(c)(x), being a sign in subclass 3(j) (signs for residential-oriented land use and community services) indicating smallholding names in order to form a single combination sign, and the necessary harmony must be achieved by using the same form, letter type and colour for the various parts of the combination sign.

SCHEDULE 27
Signs on towers, bridges and pylons (Class 3(l))
(Section 7(1)(c)(xii))

1. Display of a sign is permitted in an urban area of partial control and an urban area of minimum control only.
2. Display of a sign is subject to specific consent.
3. Subject to the provisions of section 21(1), a sign may not be displayed in an urban area of maximum control on a bridge across a freeway.
4. Written permission for the display of a sign on a bridge in an urban area of partial control and an urban area of minimum control must, prior to the display of the sign, be obtained from the institution or authority responsible for the maintenance of the structure where such maintenance is not the responsibility of the municipality.
5. The maximum aggregate sign area per tower, bridge or pylon may not exceed 36 square metres.
6. In the instance where a sign is displayed on a pylon, the pylon without the sign must be such that the entire assembly can be wholly contained within a notional vertical cylindrical figure with a diameter of six metres and a height of 12 metres.
7. In the instance where a sign is displayed on a pylon, no protruding part of the sign may be less than 2,4 metres above the highest point of the existing ground level immediately below such pylon or sign.
8. No sign may extend beyond the top of a tower.
9. No sign may extend above, below, or beyond any of the extremities of a bridge.

10. No sign may be affixed to any structural column of a bridge.
11. A sign may not project more than 300 millimetres from the main wall of a tower, or from a bridge structure.
12. No limitations are imposed on the colour or texture of a sign.
13. Subject to the provisions of section 18(1),19(4) and 22, illumination or animation may be permitted in an urban area of minimum control, provided such illumination or animation does not constitute a road safety hazard, or cause undue disturbance.
14. In the instance of cellular masts, and in addition to the applicable requirements set out in this schedule, applications for advertising on cellular masts shall be treated individually on their own merits, and in considering the application, the following shall be taken into account:
 - (a) The locality of the cellular mast, the land-use zoning of the erf on which it is positioned and its visual impact;
 - (b) preference shall be given to advertising on cellular masts in shopping centres, in areas of concentrated commercial or industrial activity and on suitable portions of Council-owned land where the municipality can derive an income from the advertising installation;
 - (c) full details of the name boards, wording, logo, materials to be used, the exact size and location of the boards on the mast and details of any illumination or special effects must be provided when applying for permission to place advertisements on a cellular mast; and
 - (d) the same general environmental and aesthetic criteria applicable to signs contemplated in section 7(1)(a), being signs in class 1(billboards and other high-impact free-standing signs) and signs contemplated in section 7(1)(c)(i), being a sign in class 3(a) (sky signs) apply to advertising on cellular masts.
15. The following apply to gantry advertising;
 - (a) Gantry advertising is not allowed in areas of maximum control;
 - (b) approval of gantry advertising is subject to approval by the Aesthetical Committee of the Municipality;
 - (c) the vertical supporting structures of gantries shall not be located within road reserves and may not be used for advertising;
 - (d) the supporting structures of gantries must be designed in such a way that it forms an aesthetically pleasing component of the gantry itself;
 - (e) the gantry beams must be designed in such a manner that exposed parts thereof will be aesthetically pleasing;
 - (f) vacant advertising space may not be advertised on a gantry or a bridge;
 - (g) no animation, 3D replicas or cut-out silhouettes are allowed on gantries or bridges;
 - (h) the minimum height of a gantry is 6m above the level of the street below;

- (i) gantries are not allowed within 300m of signalized traffic intersections where overhead traffic lights had been installed;
 - (j) lighting units and their supports may not be located lower than the lower edge of a gantry or bridge deck;
 - (k) no more than one advertisement may be displayed per direction on a gantry or a bridge;
 - (l) the minimum height of letters is 200mm;
 - (m) the height of a gantry advertising sign may not exceed 3m;
 - (n) gantries may not be supported on a median island where the median island is less than 10m wide, and a minimum distance between a median island support and an adjacent roadway may not be less than 4.5m;
 - (o) advertising gantries may not be spaced closer than 2km along the same street, however, gantries for official streetscaping projects are excluded from this requirement; and
 - (p) advertising gantries may not be closer than 200m to traffic intersections along arterial roads and closer than 150m to traffic intersections on lower order roads.
16. (a) The display of formal road traffic signage on bridges, to convey directional or tourist information, shall receive a higher priority than the display of advertisements or non-essential community information.
- (b) The municipality may instruct an advertiser to remove advertisements from a bridge, should it become necessary to display formal road traffic signs at a particular position, and the advertiser retains the right to a full or partial refund of application fees and costs incurred to manufacture the advertising sign, but not to fund any contractual obligations or subsequent liabilities where a third party is involved.

SCHEDULE 28

Signs on construction site boundary walls and fences (Class 3(m)) (Section 7(1)(c)(xiii))

1. A sign may be displayed in an urban area of partial control and an urban area of minimum control only, subject to the following conditions:
 - (a) The sign must conceal an unsightly condition arising out of the use to which the property is lawfully being put; and
 - (b) the sign must be making a positive contribution to the visual environment.
2. A person can apply for approval of a building wrap from the municipality for construction sites and this is subject to specific consent and the conditions set by the municipality in the approval.
3. Display of a sign is subject to specific consent.
4. The size of a sign may not exceed a total area of 18 square metres, and the height of a sign may not exceed three metres.

5. The provisions of section 21(1)(d) and (e), and the following conditions apply to the position of a sign:
 - (a) A sign may not be placed on the top of a fence or wall unless it is positioned to rest directly thereon; and
 - (b) a sign may not project more than 100 millimetres to the front of the wall or fence to which it is affixed.
6. No limitations are imposed on the colour or texture of a sign.
7. Illumination or animation of a sign is not permitted.
8. A sign may not be painted or pasted directly onto a construction site boundary wall or fence, and poster signs in this class must be enclosed within definite panels similar to those described in item 11 of class 2(d)(iii), and must be uniform in size and level.
9. Signs displayed on a fence or wall must be treated as a visual unity, and wherever possible, a sign contemplated in section 7(1)(d)(iv), being a sign in subclass 2(d)(iv) (project boards), if displayed, should also be incorporated in this unified design.
10. A sign must always make a positive contribution to a particular streetscape.
11. A sign may be displayed for the duration only of the construction work.

SCHEDULE 29
Sponsored road traffic projects signs (Class 4(a))
(Section 7(1)(d)(i))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign in a rural area of maximum control and an urban area of maximum control is subject to specific consent.
3. Display of a sign in an urban area of partial control and an urban area of minimum control is subject to deemed consent.
4. A sign may not exceed 4,5 square metres in size, and no part of the sign may be higher than three metres above ground level.
5. A sign may contain the name of the project, and the name or logo, or the name and logo of the sponsor only, and the name or logo, or both the name and logo of the sponsor of a project may not occupy more than one-third of the total area of a sign.
6. In the case of an advertisement displayed on an SOS call-box, a duplicate advertisement may be attached to each side of the call-box, and its size is limited to 0,04 square metre on each side of the call-box.
7. Signs displayed on the same side of the road, excluding SOS call-boxes, may not be closer than five kilometres from each other.
8. No limitations are imposed on the colour or texture of a sign.

9. Illumination or animation of a sign is not permitted.
10. Retro-reflective material may be used to improve the conspicuousness of emergency facilities such as SOS emergency call boxes.

SCHEDULE 30
Service facility signs (Class 4(b))
(Section 7(1)(d)(ii))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign is subject to specific consent.
3. A person who displays a sign must, before the sign is displayed, enter into a lease agreement with the municipality for the lease of the site on which the sign is to be displayed.
4. A combination sign may not exceed the following dimensions:
 - (a) A height of 7,5 metres and a width of 2,5 metres, if displayed in an urban area of control;
 - (b) a height of 10 metres and a width of three metres, if displayed on a freeway; and
 - (c) a height of 20 metres and a width of six metres, if displayed in a rural area of maximum control.
5. A maximum of eight advertising panels is allowed per combination sign.
6. Only one business, enterprise, or service may be displayed per advertising panel.
7. An advertising panel may not exceed the following sizes:
 - (a) 4,5 square metres in an urban area of control;
 - (b) 6 square metres on a freeway; and
 - (c) 18 square metres in a rural area of maximum control.
8. Only one combination sign as permitted in this class may be displayed on the premises of a filling station or roadside service area.
9. The provisions of section 21(1)(d) and (e), and apply and a sign may not be displayed closer than –
 - (a) 50 metres to the road reserve boundary of any road in a rural area of maximum control;
 - (b) 50 metres to the road reserve boundary of a freeway; and
 - (c) five metres to the road reserve boundary of any other urban road; and
10. No specific limitations are imposed on the colour or texture of a sign.

11. The provisions of section 19(4) and 22, and the following conditions apply to the illumination and animation of a sign:
 - (a) A sign may be illuminated only if the business provides a 24-hour service;
 - (b) a facility with limited after-hours services may illuminate its signs during its business hours only; and
 - (c) no animation of a sign is permitted.
12. Should a person wish to display a sign which exceeds the sizes stipulated in item 7, he or she must submit a proposal to the municipality for approval by the municipality, which proposal must include –
 - (a) a location plan;
 - (b) detail drawings of the sign;
 - (c) an engineer's certificate verifying that the sign was designed by a structural engineer; and
 - (d) a comprehensive motivation setting out reasons why compliance with the requirements set out cannot be met.
13. A sign on a combination sign may refer to the name or logo of a business, company or person providing a service only, and may indicate the type of service provided.
14. Only a locality-bound sign may be displayed.
15. A sign in this class may only be displayed at a service facility adjacent to and directly accessible from the public road at which such sign is directed.
16. A supplementary sign displayed at a roadside service area and which does not form part of a combination sign permitted under this class may be used for internal direction and orientation only, and may not be aimed at passing motorists.
17. Facility signs must face oncoming traffic and must be focused exclusively on casual passing motorists, and thus they should not be primarily focused on regular customers.
18. Signs in this class can only be considered in road side service areas if properly motivated and sufficient space is not available on the adjacent site.

SCHEDULE 31
Tourism Signs (Class 4(c))
(Section 7(1)(d)(iii))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. The display of a sign in all areas of control is subject to specific consent.
3. These signs may be displayed within road reserves unless the municipality prescribes otherwise.

4. The sizes and positioning of these signs are prescribed by the South African Road Traffic Signals Manual, as published in accordance with National Road Traffic legislation.
5. Signs in this class which had been erected by companies/institutions other than the municipality inside road reserves, must be replaced every 7 years at the cost of the advertiser, in terms of the requirements of the South African Road Traffic Act.

SCHEDULE 32
Functional advertising signs by public bodies (Class 4(d))
(Section 7(1)(d)(iv))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign is subject to deemed consent.
3. A sign may not exceed 0,55 square metre in size.
4. A larger sign may be displayed, if justified by specific circumstances.
5. A sign permitted by this class may be displayed inside a road reserve, but may not be displayed on a freeway.
6. No limitations are imposed on the colour or texture of a sign.
7. Subject to the provisions of sections 18(1), 19(4) and 22, illumination may be provided if there is a need for information or directions to be read during hours of darkness.
8. A sign may not be used for the purposes of commercial and competitive advertising.
9. The logo of the service provider must be displayed on a sign.

SCHEDULE 33
Aerial signs (Class 5(a))
(Section 7(1)(e)(i))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign is subject to specific consent.
3. Except with the written permission of the Commissioner of Civil Aviation, no -
 - (a) captive balloon;
 - (b) craft for parasailing;
 - (c) kite;
 - (d) hang-glider;
 - (e) model or radio-controlled aircraft; or

- (f) aircraft towed behind a vehicle or vessel for the purpose of flight,
may be flown at a height of more than 45 metres from the surface, the surface being measured from ground level, or from the surface on which a towing vehicle or vessel is travelling, to the top of the craft.
4. No shape or size restrictions are imposed.
5. Except with the written permission of the Commissioner of Civil Aviation, and on condition that such aircraft may not take off from or land on a public road, none of the objects specified in section 2(1) above may –
 - (a) be flown closer than five nautical miles from the aerodrome reference point of an aerodrome;
 - (b) be flown above a public road; and
 - (c) in the case of an aircraft, be towed behind a vehicle or vessel.
6. An advertisement on a captive balloon or on any other captive craft may not be displayed within the visual zone along a freeway.
7. No limitations are imposed on the colour or texture of a sign.
8. Illumination or animation of a sign is not allowed, with the exception of an illuminated airship when moored.
9. With the exception of a moored airship, a sign may be displayed in daylight hours only.
10. A sign may not be displayed for a period exceeding two consecutive weeks in a calendar year.
11. A captive balloon may not be flown without the written approval of the Commissioner of Civil Aviation, which approval will be considered by the Commissioner only after permission by the municipality has been granted.
12. No unmanned free balloon may be flown without the written permission of the Commissioner of Civil Aviation and the municipality.
13. A manned free balloon must meet the conditions laid down by the Commissioner of Civil Aviation before it may be flown within controlled airspace.
14. An airplane and airship may not be flown below the minimum height, as stipulated by aviation regulations, without permission by the Commissioner of Civil Aviation.

SCHEDULE 34
Vehicular advertising (Class 5(b))
(Section 7(1)(e)(ii))

1. Subject to the provisions of section 5(4), a sign be displayed in all areas of control.
2. Display of a sign is subject to deemed consent.
3. No vehicle may be used for the sole purpose of advertising.

4. No animation is allowed.
5. Illumination of advertisements are limited to the following instances:
 - (a) An internally illuminated sign which indicates that a taxi is for hire; and
 - (b) a retroflective sign with the colour red to the back, the colour yellow to the side, and the colour white to the front of a vehicle.

SCHEDULE 35
Trailer Advertising (Class 5(c))
(Section 7(1)(e)(iii))

1. A trailer may be parked in an urban area of partial control and an urban area of minimum control only.
2. The parking of a trailer is subject to specific consent.
3. A trailer may not be towed on a freeway and may not be towed on any other urban road during peak-hour traffic, peak-hours being the hours between 07:00 and 08:15, and 16:15 and 17:30.
4. A trailer sign may not exceed an individual sign face area of 18m² and a combined sign face area of 36m². The vertical dimensions of a sign may not exceed 3 meters and the horizontal dimension may not exceed 6 meters.
5. Subject to item 18, a trailer sign positioned on a particular site for a period exceeding two consecutive days per month shall be deemed to be a billboard and shall be subject to the guidelines applicable to the signs contemplated in section 7(1)(c).
6. No animation is allowed.
7. Illumination is limited to retro-reflective signs with the colours red to the back, yellow to the side and white to the front of the trailer.
8. No person may tow any sign in this class for the sole purpose of advertising, meaning that an advertisement trailer may only be towed from the advertiser's property to the advertising site approved by the municipality and only before 07h00 and after 17h30.
9. A trailer may not be parked –
 - (a) inside a road reserve;
 - (b) within a distance of 50m outside the road reserve of a freeway;
 - (c) inside a restricted area at street corners; or
 - (d) in such a way as to block the visibility of a motorist,and general safety conditions contemplated in section 18 apply.
10. Trailer sites for parking of advertisement trailers aimed at road users must be approved by the Municipality after application therefore, subject to these by-laws.
11. (a) An advertiser may –

- (i) use a vacant site that had been approved by the Municipality as contemplated in subitem 10 and that had been suitably prepared; or
 - (ii) submit an application for the establishment of a new site.
 - (b) An application submitted in terms of subitem 11(a) must include the following:
 - (i) Detail information about the proposed site;
 - (ii) a scaled drawing of the site relative to passing roads and pedestrian space;
 - (iii) details of ownership;
 - (iv) mooring details; and
 - (v) such other details as the Municipality may require.
 - (c) The application submitted in terms of subitem 11(a) must contain an EIA and the professional opinion of a registered traffic engineer about the acceptability of the site, which EIA must include visual, social and traffic safety aspects.
 - (d) If the application submitted in terms of subitem 11(a) is approved, it shall be required of the applicant to –
 - (i) pave the site;
 - (ii) provide a safe vehicular access; and
 - (iii) provide mooring anchors designed by a qualified civil engineer.
 - (e) Additional measures must be implemented, where necessary, to prevent unauthorized access to the site or adjacent land.
 - (f) Approval of a site on municipal or other form of public property does not give the applicant indefinite advertising rights on the site.
 - (g) The normal advertising period applies, after which the applicant will have to tender against other advertisers for the advertising rights on the site.
 - (h) Occupation of trailer sites is to be strictly controlled by the Makhado Local Municipality or its appointed service provider.
- 12.
- (a) Only a trailer which has prior to parking been registered by the Municipality may be parked on demarcated or approved trailer sites.
 - (b) All physical dimensions and attributes, the registration number, and VIN of the vehicle must be provided at registration, and these attributes may not be changed without the approval or knowledge of the municipality.
 - (c) The trailer must be available for inspection at registration.
 - (d) The trailer must be in a roadworthy condition and be mounted with wheels at all times, or attached to a roadworthy vehicle, whichever is applicable.

13. If not parked on an approved trailer site, an advertising trailer must be stored in such a way so as not to be visible from any public road or public place.
14. The provisions of section 21(1)(a) – 21(1)(d), and the following conditions apply to the position of a sign:
 - (a) No more than one sign may be displayed per site;
 - (b) an advertisement consisting of a maximum of two boards must be displayed perpendicular to the direction of oncoming traffic;
 - (c) advertising trailer sites must be spaced at the following distances:
 - (i) On a road with a speed limit above 80 kilometres per hour the distance between sites may not be less than 250 metres;
 - (ii) on a road with a speed limit between 61 kilometres per hour and 80 kilometres per hour the distance between sites may not be less than 200 metres; and
 - (iii) on a road with a speed limit below 61 kilometres per hour the distance between sites may not be less than 120 metres;
 - (d) no trailer site may be established within a radius of 100 metres from the centre of an intersection on an arterial road and within 50 metres from the centre of an intersection on any lower-order road.
15. A sign displayed in the vicinity of a signalised intersection may not contain the colours red, amber or green if such colours will constitute a road safety hazard.
16. A trailer advertising site may not be closer than 120m to advertisements in contemplated in section 7(1)(a).
17. Being regarded as a temporary type of advertising, a trailer advertisement may only display community based information such as events which are broadly cultural or of public interest, including entertainment events, exhibitions and trade fairs, or events which are of a sporting or religious in nature, but specific products, services and companies may not be advertised.
18. Approval of a trailer advertisement is valid for a maximum of 14 days.
19. The fee structure is based on an amount per day, with non-profit organisations entitled to such discount as determined by the Municipality.

SCHEDULE 36
(Section 5(1))

RURAL AND URBAN AREAS OF MAXIMUM CONTROL
(Section 5(2)(a) and (b))

1. Land use zoning

A low density residential area, a medium density residential area, an agricultural area, a cemetery, and a public open space, such as, but not limited to, a natural open space, including a ridge, a natural watercourse, a nature reserve, an urban conservation zone, a

park, a national monument, a heritage site, a gateway and an urban freeway are all classified as areas of maximum control.

2. Kinds of signs that may be displayed

- (1) Only a sign conveying an essential message may be displayed.
- (2) A sign contemplated in section 7(1)(a), being a Class 1 sign (*Billboards and other high-impact free-standing signs*), and a sign contemplated in section 7(1)(c)(xii), being a Class 3(l) sign (*Signs on towers, bridges and pylons*), may be displayed on an urban freeway where the responsible Roads Agency demonstrates that it has been satisfied that the effect on traffic safety is within acceptable norms, and an Environmental Impact Assessment must be furnished to the Municipality.
- (3) A sign contemplated in section 7(1)(d), being a Class 4 sign (*Signs for tourists and travellers*), may be displayed.
- (4) The following signs contemplated in section 7(1)(b), being Class 2 signs (*Posters and general signs*), may be displayed in residential suburbs:
 - (a) Large posters and signs on street furniture, as contemplated in section 7(1)(b)(i);
 - (b) temporary signs, as contemplated in section 7(1)(b)(iv); and
 - (c) street name advertisement signs, as contemplated in section 7(1)(b)(v).

3. Restrictions on display of advertising signs

The display of all kinds of signs, other than those specifically mentioned in Item 2 above, is forbidden.

URBAN AREAS OF PARTIAL CONTROL (Section 5(2)(c))

1. Land use zoning

A medium density residential area in transition, a residential area where office and commercial encroachment is evident, a residential area with high-rise apartment blocks interspersed with shops and offices, a small commercial enclave in a suburban street, a suburban shopping centre and office park, a ribbon commercial development along a main street, an educational institution, a sports field stadium, and a commercialised square are all classified as urban areas of partial control.

2. Kinds of signs that may be displayed

- (1) A sign contemplated in section 7(1)(a)(iii), being a Class 1(c) sign (*Large billboards*), may be displayed, however, the size may not exceed 40m².
- (2) A sign contemplated in section 7(1)(a)(iv), being a Class 1(d) sign (*Small billboards and tower structures*), may be displayed.
- (3) A sign contemplated in section 7(1)(b), being a Class 2 sign (*Posters and general signs*), may be displayed.

- (4) A sign contemplated in section 7(1)(c), being a Class 3 sign (*Signs on buildings, structures and premises*), may be displayed.
- (5) A sign contemplated in section 7(1)(d), being a Class 4 sign (*Signs for tourists and travellers*), may be displayed.
- (6) A sign contemplated in section 7(1)(e), being a Class 5 sign (*Mobile signs*), may be displayed.

3. Restrictions on display of advertising signs

- (1) A sign contemplated in section 7(1)(a)(i), being a Class 1 sign (*Super billboards*), and a sign contemplated in section 7(a)(ii), being a Class 1(b) sign (*Custom-made billboards*) may not be displayed.
- (2) The restrictions on the display of a sign at a street corner as set out in Schedule 37 apply.

URBAN AREAS OF MINIMUM CONTROL (Section 5(2)(d))

1. Land use zoning

A business, industrial, commercial, amusement and transport area such as, but not limited to, a commercial district, a central shopping centre, a central office precinct, an entertainment district and complex, an industrial area, and industrial park, and a prominent public transport node such as a railway station, a large bus station, a taxi rank, and an airport are areas classified as urban areas of minimum control.

2. Kinds of signs that may be displayed

A sign contemplated in section 7(1)(a) (*Billboards and other high-impact free-standing signs*), a sign contemplated in section 7(1)(b) (*Posters and general signs*), a sign contemplated in section 7(1)(c) (*Signs on buildings, structures and premises*), a sign contemplated in section 7(1)(d) (*Signs for tourists and travellers*) and a sign contemplated in section 7(1)(e) (*Mobile signs*) may be displayed.

3. Restrictions on display of advertising signs

- (1) A sign may not be displayed at a node of exceptional historical and architectural value.
- (2) The restrictions on the display of a sign at a street corner as set out in Schedule 37 apply.

AREAS OF MAXIMUM CONTROL IN WHICH ADVERTISING IS PROHIBITED. (Section 5(2)(e))

No sign contemplated in section 7 be displayed in an area stipulated in Schedule 38.

**SCHEDULE 37
(Section 7)**

FIGURES ILLUSTRATING RESTRICTIONS ON ADVERTISING OPPORTUNITIES INSIDE AND ADJACENT TO ROAD RESERVES AT TRAFFIC INTERSECTIONS

Figure 1: Advertising Restrictions on Urban Freeways

Restrictions may be reduced by the relevant roads authorities under whose jurisdiction the specific roads may resolve

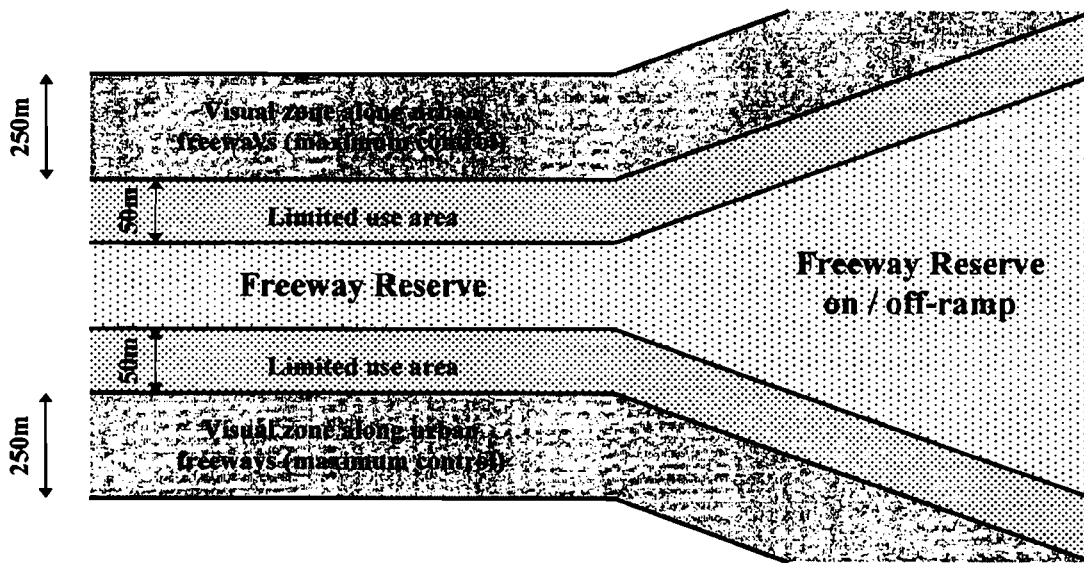


Figure 2: Restriction on signs at street corners, (street name signs exempted)

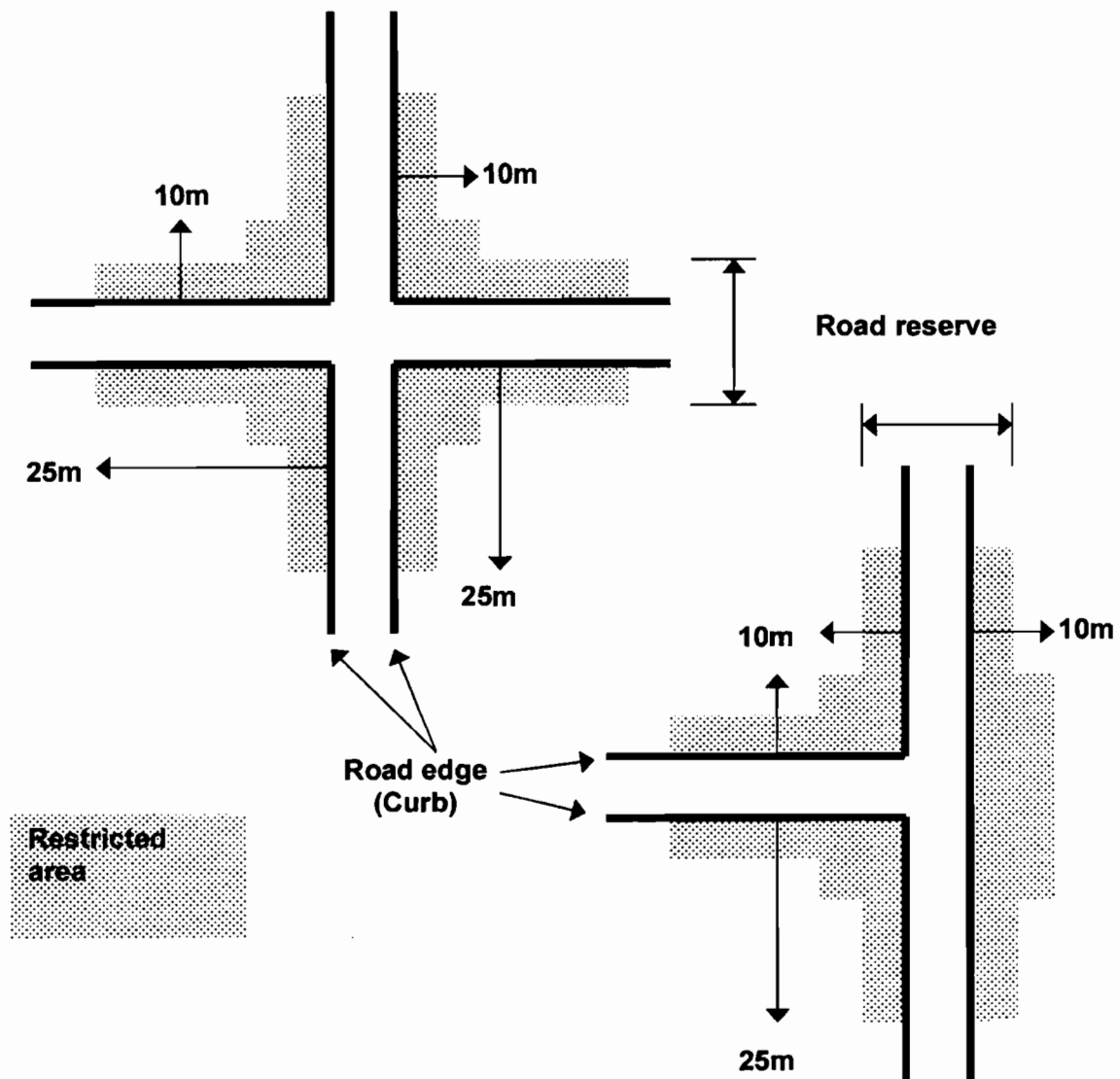
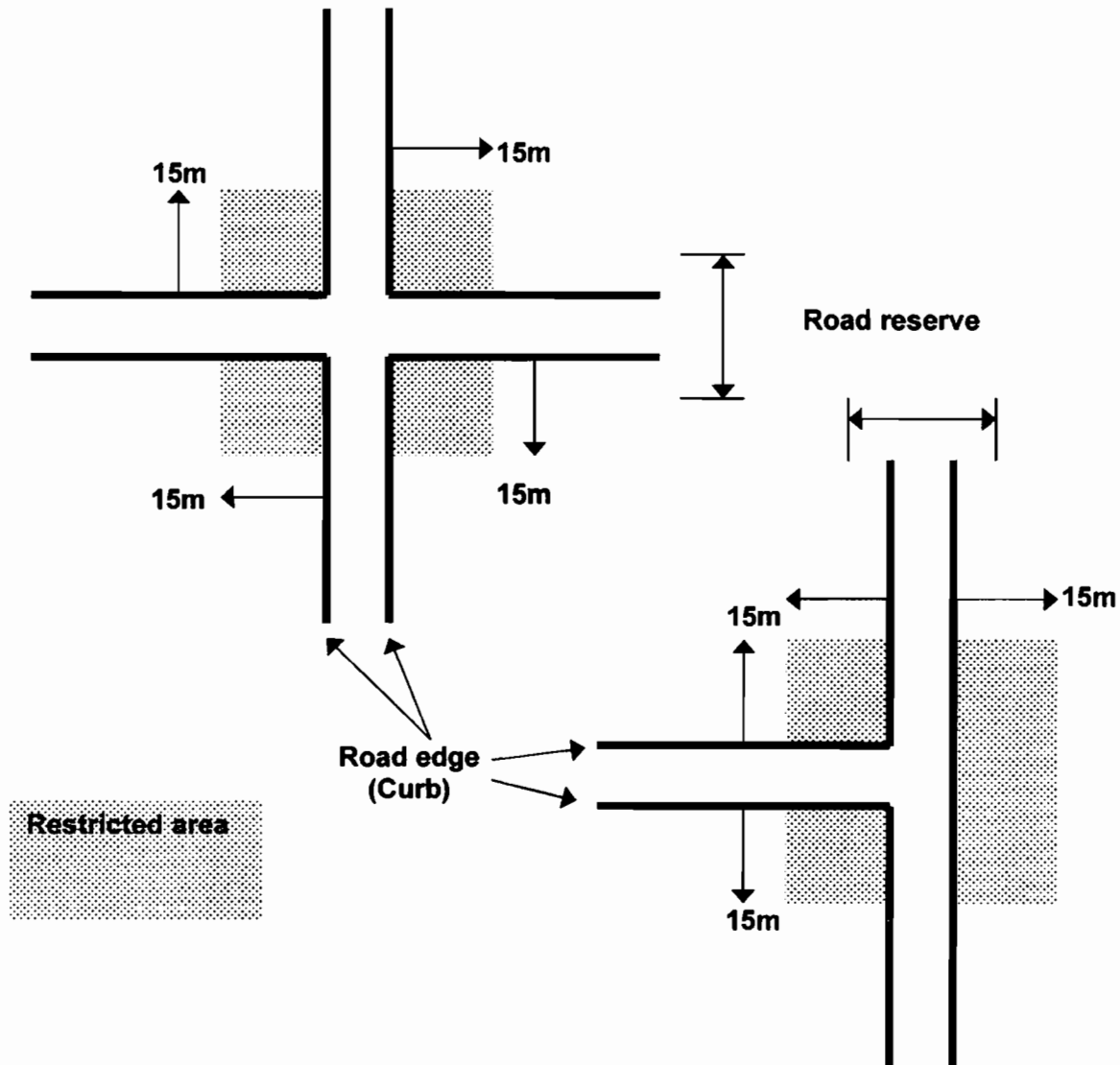


Figure 3: Additional restriction on illuminated signs at signalized street corners



SCHEDULE 38
Section 5(4)

AREAS IN WHICH THE DISPLAY OF SIGNS IS PROHIBITED

The Council has the right to determine areas in this schedule from time to time by means of Council Resolution.

LOCAL AUTHORITY NOTICE 207**MAKHADO LOCAL MUNICIPALITY****PUBLIC HEALTH: FUMIGATION BY-LAWS****TABLE OF CONTENTS**

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Schedules**1. Definitions**

For the purpose of these by-laws, unless the context otherwise indicates –

"fumigation" means fumigation with hydrogen cyanide (hydro-cyanic acid gas), or other similar substance dangerous to human life, of any building or premises or part thereof, and "fumigate" has a like meaning;

"fumigant" means hydrogen cyanide (hydro-cyanic acid gas), or other similar substance of sufficient strength to kill vermin;

"fumigator" means a person in charge of the carrying out of fumigation and who is duly licensed under these By-laws to carry on the work or trade of fumigation;

"fumigation area" means the building or premises or part thereof undergoing fumigation;

"risk area" means any part of a building or premises into which there is reason to apprehend that the fumigant may penetrate from the fumigation area, and includes –

- (i) those parts of any building or premises which are both less than 20 metres measured horizontally from the nearest boundary of the fumigation area and not separated entirely from the fumigation area by any yard, street or other space open to the area, of not less than 17 metres in width; and
- (ii) all rooms immediately above or below the fumigation area and the area set out in the preceding paragraph;
- (iii) the fumigation area.

2. Principles and objectives

The Makhado Municipal Council, acting under the Constitution and within the framework of national legislation such as environmental and health legislation, and –

- (a) taking into account the historic inequalities in the management and regulation of activities that may have an adverse impact on public health and that the need exists to redress these inequalities in an equitable and non-discriminatory manner;
- (b) realising the need to adopt a long-term perspective that takes into account the interests of future generations; and
- (c) accepting its duty to improve and develop, where possible, public health in the Makhado municipal area,

accepts its duties as custodian of the environment, and thus aims to –

- (i) ensure that every person in its area has the right to health and an environment that is not detrimental to their well-being;
- (ii) ensure that, within its capacity, financial and otherwise, a healthy and save environment for all the residents are promoted and developed;
- (iii) eliminate where possible any source of a public health hazard and any risk by such hazard to its residents;
- (iv) inhibit the growth and spread of diseases;
- (v) prevent any public health hazard or nuisance
- (vi) prevent the infestation by pests;
- (vii) prevent the development and existence of unhygienic conditions;
- (viii) minimise adverse effects that may arise through the human being's use of the environment, on living organisms and ecosystems; and
- (ix) protect and promote the long term health and well-being of all its residents;
- (x) to provide an effective legal and administrative framework which enables the Council to regulate and manage, in an open and responsible manner and in accordance with the principles of these by-laws all activities and matters relating to the fumigation of premises.

3. Application of by-laws

These by-laws apply to any fumigation of any building of part hereof on any premises or part hereof within the jurisdiction of the Makhado Municipality, but do not apply to a fumigation carried out –

- (a) exclusively for agricultural or horticultural purposes of an agricultural or horticultural building no part of which is used for human habitation;
- (b) in any building, or part of a building, which building or part of a building has been specially constructed or adapted for the purpose of effecting the fumigation of any articles.

4. Legislative framework

These By-laws fall within the legislative framework of the –

- (a) Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);
- (b) Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000); and
- (c) Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

5. Requirements for grant of licence

The Council shall not grant a licence to a person to carry on the work of trade of fumigation until the person has satisfied the Council that he or she is –

- (a) fully competent to undertake, and fully conversant with the dangerous nature of fumigation and the measures to be taken to prevent poisoning from material used;
- (b) capable of rendering first aid, artificial respiration and of administering the approved antidotes and remedies applied to cyanide poisoning;
- (c) thoroughly conversant with these By-laws;
- (d) physically fit for the purposes of undertaking fumigation;
- (e) of good character and reliable;
- (f) not less than twenty-one years of age;
- (g) able to produce proof of having worked for at least six months under a licensed fumigator;
- (h) in possession of an efficient gas-mask of a type approved by the Council, and a first-aid outfit as specified in Schedule 1 to these By-laws, both in good working order, and fully conversant with their use; and
- (i) in possession of adequate facilities for the safe storage of his or her fumigant and its constituents.

6. Notice of fumigation

- (1) A fumigator must deliver by hand at least 24 hours before fumigation is undertaken a notice in writing of his or her intention to fumigate any premises –
 - (a) To the Public Health Management Inspector; and
 - (b) To each and every occupier personally of the premises in the risk area.
- (2) Such notice must in each case specify the –
 - (i) fumigation and risk areas;
 - (ii) date and hour at which fumigation will be commenced; and
 - (iii) name of fumigator.
- (3) A fumigator may not commence the fumigation of any premises later than one hour after the time specified in the written notice, and if he or she fails to commence the fumigation within the specified time, he or she must postpone the fumigation and give fresh notice as required by this section.
- (4) A person who contravenes subsection (1) or subsection (3) or who enters wrong of false information in the notice contemplated in subsection (2) commits an offence.

7. Prohibition against fumigation on certain days and at certain times

- (1) No fumigator may, without the permission in writing of the Public Health Management Inspector –
 - (a) fumigate any premises on a Saturday, Sunday or public holiday;
 - (b) start to generate cyanide gas in any premises for fumigation purposes before 7 a.m. or after 12 noon; or
 - (c) Permit the process of fumigation to continue after 4 o'clock p.m., and he or she may not later than 4 o'clock open the doors and windows of the risk area of the premises for the purposes of ventilation.
- (2) A person who contravenes subsection (1) commits an offence.

8. Fumigation Staff

- (1) No fumigation may be carried out except by adequate fumigating staff that may in no case consist of less than two persons, one of whom must be licensed under these by-laws.
- (2) Any person employed as an assistant to fumigator must be –
 - (a) over the age of 18 years;
 - (b) physically fit; and
 - (c) conversant with the use of a gas-mask and competent in rendering first-aid as applied to cyanide poisoning.
- (3) No fumigator may employ upon the actual work of fumigation any person as an assistant who does not comply with the requirements of sub-section (2) and no person who does not so comply may undertake any such work.
- (4) A person who contravenes subsection (1) or subsection (2) or subsection (3) commits an offence.

9. Member of staff to remain in attendance

- (1) The fumigator is responsible for seeing that the premises are adequately guarded to prevent the entrance of any unauthorised person, by at least one member of the fumigating staff, who must remain in attendance from the commencement of the fumigation until the risk has been certified by the fumigator to be free from danger in terms of section 15.
- (2) A fumigator who contravenes subsection (1) commits an offence.

10. Precautions to be taken before liberation of fumigant

- (1) No fumigant may be liberated until –
 - (a) all persons other than the fumigating staff have left the risk area and for the purpose of paragraphs (a), (b), (c), (d) and (e), an exhaustive search has been carried out by the fumigator;
 - (b) the occupier has removed all domestic pets, and all liquids of foodstuffs of such a kind or so stored as to be liable to absorb the fumigant, have been removed from the fumigation area;
 - (c) all water contained in cisterns, tanks or otherwise in the fumigation area which may become contaminated by the fumigant has, where possible, been run off;
 - (d) all fires and naked lights in the fumigation area have been extinguished;
 - (e) every door or other means of access to the risk area has been securely fastened so as to prevent access thereto and possession has been taken of any key thereof by the fumigator;
 - (f) all cracks, crevices or openings in or between walls or between walls and ceilings or roofs or floors or in windows or ventilators and all fireplaces in the fumigation area including windows and doors giving access thereto have been efficiently caulked or closed in such a manner as to prevent the escape of the fumigant there from;
 - (g) notices have been securely and conspicuously placed so that they may be readily seen by any person approaching the risk area, which notices –
 - (i) must contain in such languages as Council may decide in block letters not less than 50 millimetres in height the words –
"DANGER: POISON GAS: DO NOT ENTER";

- (ii) must bear in 12 millimetres block capital letters the name, address and telephone number (if any) of the fumigator carrying on the work of the fumigation;
- (iii) must bear the universally known skull and cross-bones design; and
- (iv) may not be removed until the fumigator has signed and delivered the certificate of safety as required in section 15 of these by-laws.

- (2) A person who fails to undertake a precaution as provided for in subsection (1) commits an offence.

11. Additional safety measures

- (1) No fumigator may undertake the fumigation –
 - (a) of any building or any portion thereof unless he or she has in readiness for immediate use an efficient gas-mask; and
 - (b) of any building of more than one storey unless he or she is accompanied by an assistant duly licensed under these by-laws.
- (2) A person who contravened subsection (1) commits an offence.

12. Application of fumigant

- (1) The fumigant may not be applied in such a manner as to be absorbed in liquid form by floors, walls, ceilings of household effects.
- (2) A person who applies a fumigant in contravention of subsection (1) commits an offence.

13. Entry of premises during and after fumigation

- (1) After the liberation of the fumigant has commenced and until the risk area is free from danger the fumigator must ensure that –
 - (a) any member of the fumigating staff entering any part of this area wear or carry ready for immediate use an efficient mask or other apparatus which affords complete protection to the wearer against the fumigant and carry or have in his or her possession ready for immediate use an efficient electric torch;
 - (b) the first-aid appliances and remedies set out in Schedule 1 to these by-laws are constantly available; and
 - (c) the risk area and any buildings and open space adjacent hereto are kept under observation in order to ensure the discovery of any penetration of the fumigant into such building or open space and, in the event of any such penetration all steps which are reasonably practicable are taken to safe-guard the occupants thereof.
- (2) A person who contravenes subsection (1) commits an offence.

14. Re-entry of risk area

- (1) No person other than the fumigator or a member of his or her staff may enter or be permitted by the fumigator or his or her staff to enter the risk area –

- (a) while there is a dangerous concentration of the fumigant in the fumigation area; and
 - (b) until the risk area has been ventilated in such manner and for such period as shall be effective to ensure that the area is free from danger.
- (2) A person who contravenes subsection (1) commits an offence.

15. Re-entry of fumigation area

- (1) No person other than the fumigator or a member of his or her staff may enter or be permitted by the fumigator of his or her staff to enter the fumigation area after commencement of fumigation until –
- (a) the fumigation area has been ventilated in such manner and for such period, which period may not be less than four hours, as is effective to ensure that the area is free from danger, and for this purpose all doors and windows must be kept open for a period of not less than two hours. However, if after such period of two hours the fumigator has satisfied himself or herself that all parts of the area can be entered with safety without wearing a gas-mask, other persons may be allowed in under his or her supervision to remove bedding, clothing, cushions and upholstered articles for the purpose of airing;
 - (b) the fumigator has established by personal and chemical tests that the fumigation area is free from danger, such chemical test to be the benzidine copper acetate test of other sufficient and recognised test;
 - (c) a certificate, in the form contained in Schedule 2 to these by-laws, signed by the fumigator has been delivered to the owner or occupier of the premises in the fumigation area, however, no such certificate may be issued within a period of four hours after ventilation has been commenced;
 - (d) all empty containers and residues of the substances which have been used for fumigation have been removed or rendered innocuous by the fumigator; and
 - (e) all water contained in cisterns, tanks or otherwise in the fumigation area which may have become contaminated by the fumigant has been run off.
- (2) A person who contravenes subsection (1) commits an offence.

16. Precautions regarding residues and containers

- (1) No fumigator may fail upon completion of the fumigation –
- (a) to destroy or remove and dispose of all residues of the substances used for fumigation in such a way as to obviate any danger there from; and
 - (b) to render unfit for further use any empty containers other than the apparatus used for generating the gas.
- (2) A person who contravenes subsection (1) commits an offence.

17. Duties of owner and occupier of fumigated premises

- (1) No owner or occupier of any premises in the fumigation area may re-occupy or allow or permit it to be re-occupied such premises until the certificate of safety referred to in section 15 of these by-laws has been handed to him or her by the fumigator and until the time stated therein for re-occupation has arrived.
- (2) No owner or occupier to whom such certificate of safety has been handed may fail to remove from such premises, shake out and air for at least two hours before

use all mattresses, bedding, blankets, pillows, clothing, cushions and upholstered articles likely to absorb the fumigant which have been exposed to the fumigant and such articles may not be returned to the fumigation area until they have been exposed to the open air outside the building for a period of at least two hours and the gas shaken or beaten from them.

- (3) The owner or occupier must keep fully open all windows and ventilators and maintain adequate cross ventilation in all rooms to be occupied for sleeping in for the duration of the following night.
- (4) The fumigator must endorse on every notice issued under subsection 6(1)(b) the terms of subsections (1), (2) and (3) of this subsection.
- (5) A person who contravenes subsection (1), subsection (2), subsection (3) or subsection (4) commits an offence.

18. Certain fumigants prohibited

- (1) No person may use or cause or permit to be used for the purpose of the deverminisation, disinfestation, or fumigation of any building, premises or part thereof, any petrol, carbon disulphide, ether preparation of material capable of emitting vapours which, with air, may form an explosive mixture.
- (2) For bed-bug destruction the minimum period for which a house may be exposed to hydrogen cyanide is five hours, and the minimum quantity that may be used is as follows:
 - (a) Sodium cyanide, 453,5 grams per 28 cub. metres of air space with sufficient quantity of diluted acid to liberate its full yield of hydro-cyanic acid gas;
 - (b) Liquid cyanide, 255,5 fluid grams per 28 cub. metres of air space; or
 - (c) Absorbed liquid cyanide, 180 grams of hydro-cyanic acid gas per 28 cub. metres of air space.
- (3) A person contravenes subsection (1) or subsection (2) commits an offence.

19. Register

- (1) Every fumigator must keep a register in which he or she must enter immediately following the completion of any fumigation the following particulars:
 - (a) Description and address of premises fumigated;
 - (b) Time and date at which fumigant was released;
 - (c) Time and date at which ventilation was started;
 - (d) Time and date at which risk area was declared free from danger; and
 - (e) Name of fumigator.
- (2) A person who contravenes (1) or who enters wrong or false information in the register commits an offence.

20. Inspection

- (1) The register and equipment, including gasmasks and first-aid appliances used by the fumigator must be open to inspection for any purpose connected with the carrying out of these by-laws at all reasonable times without previous notice by the Public Health Management Inspector or any other duly authorised servant of the Council.
- (2) A person who hinders or interferes with the performance of a function by the Public Health Management Inspector in terms of subsection (1) commits an offence.

21. Anti-rodent gassing operations

- (1) A gassing operation carried out with cyanide having a calcium base for the destruction of rodents in any building may not be commenced until the person in charge of the gassing has satisfied himself or herself that all persons other than the anti-rodent staff have left the area concerned and all domestic pets and liquid foodstuffs of such a kind or so stored as to be liable to absorb the fumigant have been removed from the fumigation area.
- (2) The person in charge of such gassing operations –
 - (a) must have available an electric torch, an approved gas mask and an approved carbon-dioxide apparatus, all in good working order and must be fully conversant with their use;
 - (b) must be capable of rendering first-aid and artificial respiration as applied to cyanide poisoning; and
 - (c) may allow no person, other than a member of the anti-rodent staff, to enter the area concerned until he or she is satisfied that there is no danger.
- (3) A person who contravenes subsection (1) or subsection (2) commits an offence.

22. Notice of contravention

- (1) Council may serve a notice of contravention on a person who committed an offence.
- (2) A notice of contravention must –
 - (a) specify, at the time when the notice is issued, the name and residential and postal address, if either or both of these be known, of the person on whom the notice is served;
 - (b) state the particulars of the contravention;
 - (c) specify the amount of the penalty payable in respect of that contravention and the place where the penalty may be paid; and
 - (d) inform the person on whom the notice was served that he or she may, within 28 calendar days of the date of service of the notice -
 - (i) pay the penalty; or
 - (ii) inform Council in writing that he or she elects to be tried in court on a charge of having committed an offence.
- (3) If the person elects to be tried in court he or she must, within seven calendar days, notify Council of his or her intention.

23. Penalties

A person who or organization who contravenes any provision or fails to comply with any provision of this by-law commits an offence and shall on conviction be liable to-

- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and imprisonment; and
- (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
- (c) a further amount equal to any costs and expenses found by the court to have been incurred by Council as result of such contravention or failure.

24. Appeal

- (1) A person whose rights are affected by a decision of an official may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.
- (2) The municipal manager must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (3) The municipal manager must commence with an appeal within six weeks of lodgement of the appeal and decide the appeal within a reasonable time.

25. Limitation of liability

Council is not liable for any damage or loss caused by –

- (a) the exercise of any power or the performance of any duty in good faith under these by-laws; or
- (b) the failure to exercise any power, or perform any function of duty in good faith under these by-laws.

26. Revocation of by-laws

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality, are hereby repealed as far as they relate to matters provided for in this by-law, and insofar as it has been made applicable to the municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998.

27. Short title and commencement

This by-law shall be known as the Makhado Municipality: Public Health Fumigation By-laws and shall come into operation on the date of publication thereof in the Provincial Gazette.

LOCAL AUTHORITY NOTICE 208**MAKHADO LOCAL MUNICIPALITY****ENVIRONMENT (OPEN SPACE): PARKS, GARDENS AND PUBLIC OPEN SPACES BY-LAWS****TABLE OF CONTENTS****Section**

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Schedule**1. Definitions**

In these by-laws, unless the context otherwise indicate -

"Council" means the Makhado Municipal Council and any officer employed by the Council, acting by virtue or any power vested in the Council in connection with these by-laws and delegated to him or her;

"enforcement officer" means an authorized official of Council or a constable or officer of the South African Police Service;

"public open space" means-

- (a) any park, garden, flower bed, grass plot, pleasure ground, plantation, side-walk, temporary enclosures, or other public open spaces and town land within the municipality, under the control of the Council and include all buildings, improvements, ground and spaces comprised in such areas;
- (b) any land which is owned by an organ of State and which has in terms of any zoning scheme of an organ of State been set aside or demarcated for the purpose of conservation; or
- (c) any undeveloped land which is owned by an organ of State and which has not yet been set aside or demarcated by an organ of State for the purpose of conservation.

2. Principles and objectives

AS public open spaces are held in custody by the Makhado Municipal Council as an Organ of State for the use by all people within the municipal area and the use by future generations,

AND AS all people are to have access to public open spaces on an equitable and non-discriminatory basis,

AND AS the existence and future existence of fauna and flora and other organisms in public open spaces is to be ensured,

AND AS uncontrolled access and use of the public open spaces may be to the environmental detriment of the public open spaces,

AND AS all residents in Makhado Municipality have the right to an environment that is safe and not harmful to his or her health or well-being;

AND AS Council must respect, protect, promote and fulfil the social, economic and environmental rights of everyone and strive to meet the basic needs of previously disadvantaged communities,

THESE by-laws have the following objectives:

- (a) To make available to all people in the municipal area the use of public open spaces;
- (b) to manage public open spaces in an environmentally sustainable manner, and for these purposes may prescribe fees for access to and use of the public open spaces;
- (c) to encourage the community to care for public open spaces and to protect the fauna and flora and other organisms therein;
- (d) to restrict, where necessary, access to and the use of public open spaces if necessary to-
 - (i) protect any fauna, flora, other living organisms or any other feature or aspect of the public open space against harm injury, vandalism, destruction, or for any other reason which relate to the principles and objectives of these by-laws; and
 - (ii) undertake any activity necessary to maintain or develop the public open space;
- (e) to maintain and develop public open spaces, including the-
 - (i) the erection, construction or demolition of a building or other structure on public open space; and
 - (ii) demarcation of public open space in which particular activities are prohibited;
- (f) to stipulate what the duties and obligations are of people who access and make use of public open spaces, and to enforce the provisions of these by-laws.

3. Application of By-laws

These by-laws apply to all public open spaces that fall within the jurisdiction of the Makhado Municipal Council, but do not apply to caravan parks, cemeteries, and sporting grounds and arenas.

4. Legislative framework

These By-laws fall within the legislative framework of the:

- (a) Criminal Procedure Act, 1977 (Act No. 51 of 1977);
- (b) Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);
- (c) National Environmental Management Act, 1998 (Act No. 107 of 1998);
- (d) Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000); and
- (e) Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

5. Use of public open space and application to use public open space

- (1) All land laid out or which may in future be laid out as public open space, where the land are in any way vested in or under control of the Council, must be maintained by Council and may be used solely for the purpose for which the same are laid out or otherwise reserved.
- (2) The Council reserves the right to set aside public open space on occasions for special purposes on such conditions as it may prescribe and the Council may charge a fee, as prescribed in the Schedule, for the use of the public open space, or may make it available free of charge on such occasions or grant free admission to selected persons.
- (3) A person who wishes to make use of public open space as contemplated in subsection (2), must lodge an application form to reserve the public open space, and for these purposes must-
 - (a) complete the necessary application form and comply with all the other requirements and conditions which are specified in application form;
 - (b) lodge two copies of the application form at the Municipal Manager's offices;
 - (c) obtain Council's approval before he or she makes use of the public open space.
- (4) An application must be lodged not less than six weeks before the date on which the public open space is required by a person.
- (5) The application must contain the following particulars:
 - (a) particulars of the public open space intended to be used;
 - (b) the period for which the public open space is required;
 - (c) the date time when the public open space will be vacated;
 - (d) the expected number of people who will be attending the proposed occasion;
 - (e) the intended use of the public open space;

- (f) an undertaking by the person who has lodged the application that her or she will comply with all conditions imposed by Council and with all the provisions of these by-laws.
- (6) Council, when it considers the application, may have, in addition to other relevant factors, due regard to the following:
 - (a) the principles and objectives of these by-laws;
 - (b) that the public open space may be used for lawful purposes only;
 - (c) that the use of the public open space will not constitute a nuisance or annoyance to the other users of the public open space or to the occupiers of neighbouring premises;
 - (d) that the use of the public open space will not constitute a danger to any person or property or negatively affect the environment;
- (7) Council may approve the use of the public open space subject to any condition it may deem expedient, or may refuse consent;
- (8) Council must, within seven days after the application form has been lodged, in writing notify the applicant if the application has been approved or refused, and-
 - (a) if the application is refused, Council must supply to the applicant the reasons why the application was refused; or
 - (b) if the application is approved, Council must forward a notice of approval and one set of the application form to the applicant; and must specify in the notice of approval the conditions to which the use of the public open space is subject.
- (9) Council must keep a register which is open to public inspection at all reasonable hours and which contains the following particulars of the public open space for the use of which approval was granted:
 - (a) the application which was made to Council for the use of the public open space;
 - (b) the name and address of the applicant;
 - (c) the date of application;
 - (d) the prescribed fee, as stipulated in the Schedule to these by-laws, for use of the public open space, if a fee is payable;
 - (e) the decision of Council; and
 - (f) the conditions relating to the use of the public open space.
- (10) An applicant may not before Council's approval has been received by him or her, advertise or announce the function or activity for which he or she has lodged an application.

6. Cancellation, postponement or extension of reservation

- (1) A person who has lodged an application for the reservation of a public open space, may cancel the application, and the following apply in the instance where the person has paid the fee as contemplated in section 5(9)(d):
 - (a) if a reservation is cancelled 30 days or more before the date of the reservation, Council must fully refund the person with the fee already paid;
 - (b) if a reservation is cancelled less than 30 days but 15 days or more before the date of the reservation, Council must be refund the person with 50% of the fee already paid; and
 - (c) if a reservation is cancelled 14 days or less before the date of reservation, the person is not entitled to any refund of the fee already paid.
- (2)
 - (a) After approval has been given by Council, a person may apply for the postponement of the reservation to a later date.
 - (b) Approval by Council of the postponement does not result in a penalty or forfeiture of any fees already paid.
 - (c) Postponement may be refused if the public open space has been reserved for the use by another person or Council.
- (3) A person may apply for an extension of the period of use of the public open space, and-
 - (a) the application for extension must be in writing and lodged at the Municipal Manager's offices;
 - (b) the provisions of subsection 5(3) do not apply; and

- (c) the public open space must be available, in that Council has not reserved the premises or amenities for the use by another person or Council.

7. Prohibited behaviour in public open space

No person may, in an public open space-

- (a) remove, damage or injure any fountain, statue, monument, bust, post, chain, railing, fence, seat barrier, gate, lamp-post, notice board or plate, guard house, house, building, shed, urinal, water-closet, flag, mark or other meter or thing, or deface or disfigure the same by pasting or affixing to it in any way any bill, placard or notice, or cutting, writing, stamping, printing, drawing, or marking thereon;
- (b) cut, remove, dig up, fell, burn, pluck, break, climb up or upon or cause damage or injury to timber or to any tree, shrub, brushwood, fencing post, pole, fern, turf, grass, fruit, flower or plant;
- (c) take, dig, cut, break, damage or remove any gravel, sand, sod, clay, mould, soil, water or other substance;
- (d) light any fire or burn or do any act which might cause any timber, wood, brushwood, plant, paper, rubbish, or other substance to burn;
- (e) go into, or attempt to go into any public open space, or walk on any flower-bed or any grass plot on which walking is prohibited;
- (f) make any encroachment or make or attempt to make any enclosure;
- (g) erect or place any post, rail, fence, pole, peg, spike, tent, booth, screen, stand, swing, or other building, erection or obstruction of any kind whatsoever without the consent of the Council in writing under the hand of the Municipal Manager;
- (h) deposit or leave any refuse, rubbish, paper, dead animal or other matter or thing;
- (i) turn out to graze or feed or allow any animal to stray or remain in the public open space, except where the prior consent of the Council under the hand of the Municipal Manager has been obtained;
- (j) drive, draw or propel any cycle or vehicle, other than a wheeled chair or a perambulator drawn or propelled by hand and used solely for the conveyance of a child or children or an invalid, except in the places and at the times which shall be defined by the Council's by-laws or by notices affixed or set up at or near the several entrances to any public open space;
- (k) drive any cycle, vehicle or motor car on lanes or drives, as may be set aside by notice, at a rate exceeding 8km/h;
- (l) draw, propel, stand or place upon or over any part of a flower-bed or lawn any vehicle on wheels or machine whatsoever;
- (m) use any part of an public open space for shaking, beating, brushing or cleaning any carpet, rug or other thing, or for washing, drying, or bleaching linen, clothes or other articles;
- (n) wash clothes or other things in any pond, fountain or ornamental lake or otherwise pollute any water therein;
- (o) bath or wash any dog or other animal, or allow any dog or other animal to be in any pond, fountain or ornamental lake;
- (p) catch or snare birds or lay or place any net, snare or trap for the taking of bird's eggs or nests, or shoot or chase or attempt to shoot any bird or animal, or throw any stone or stick or other missile, with intent to injure, frighten or catch any bird or animal, or in any way interfere with any fish water-fowl, or other animal;
- (q) fire any firearm, discharge any firework, catapult or sling, throw any stone, stick or other missile, use any squirt, syringe or other instrument, or do anything which may endanger or be deemed a nuisance, obstruction or annoyance to the public;
- (r) brawl, fight, discharge any firework, catapult or sling, throw any stone, stick or other missile, use any squirt, syringe or other instrument, or do anything which may endanger or be deemed a nuisance, obstruction or annoyance to the public;
- (s) sell or offer or expose for sale or hire any commodity or article or distribute any pamphlet, book, handbill or other printed or written matter, without the written consent of the Council, under the hand of the Municipality Manager, having been first obtained;
- (t) use, intrude upon or attempt to intrude upon any water closet, urinal or other place of convenience provided for the opposite sex;

- (u) play or make preparation to play cricket, football or any other game, except on the places and at the times set apart for such games by the Council;
- (v) play or make sounds on any musical instrument, except with the prior written consent of the Municipal Manager;
- (w) deliver, utter or read aloud any public speech, prayer, book or address of any kind, or sing any sacred or secular song or hold or take part in any public meeting or assemblage, except with the prior written consent of the Municipal Manager;
- (x) assault, resist or aid or incite any person to assault or resist any employee of the Council or the other person in the execution of his or her duty or the lawful exercise of any authority in terms of these by-laws;
- (y) refuse to leave any public open space after the time of closing the gates, when requested to do so by any employee of the Council or police constable, or unlawfully remain therein after the gates are closed or climb on or over the gates, fences or railings, or enter or leave otherwise than through one or other of the authorised means of ingress or egress;
- (z) take any animal into or have any animal in any public open space in contravention of a notice exhibited in the public open space, prohibiting the admission of animal or prohibiting the admission of dogs not led by a chain or other sufficient fastening;
- (aa) smoke in any public open space which, by notice affixed on a conspicuous place at or near the entrance to such place or building bearing the words: "NO SMOKING", has been set aside as a smoking-free zone;
- (bb) obstruct, disturb, interrupt or annoy any person in the proper use of the public open space; or
- (cc) paste or affix in any way, bills, placards or notices of any nature whatsoever, on any tree, shrub or bush or on any trees along any lane or drive.

8. Hours

The Council must, by means of notices posted at or near the entrance gates, indicate the hours during which a public open space is closed to the public, and may for any special purpose by means of such notice, close any public open space, or any part thereof, or any building therein, to the public for such time as it may from time consider necessary or expedient.

9. Remaining overnight in public open space and parking of vehicles

- (1) No person may stay overnight in any public open space, road reserve or street reserve within the municipality or park a motor vehicle in or on any such place with the intention to stay overnight in such motor vehicle or stay overnight in a motor vehicle which has parked in or on any such place.
- (2) No person may park a motor vehicle in or on any public open space, on such places specially provided for by the Council for the parking of motor vehicles.

10. Exclusion or removal of person

- (1) An enforcement officer may exclude or remove from any public open space a person committing a breach of these by-laws, and a person commits an offence if he or she-
 - (a) after being told by the employee of the Council or constable to go there from, neglects or refuses to go; or
 - (b) having left the place after being told as aforesaid to go there from, or having been removed there from as aforesaid, returns to the public open space within 24 hours.
- (2) An enforcement officer may issue a notice of contravention on a person as contemplated in section 11.

11. Notice of contravention

- (1) If a person contravenes-
 - (a) a provision of section 7 (*Prohibited behaviour in public open space*);
 - (b) a condition contained in the notice of approval as contemplated in section 5(8)(b); or
 - (c) section 10 (*Exclusion or removal of person*),

an enforcement officer may serve on that person a notice of contravention in terms of this section, or may exercise any power that may be exercised by a peace officer under the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

- (2) A notice of contravention must-
- (a) specify, at the time when the notice is issued, the name and residential and postal address, if either or both of these be known, of the person on whom the notice is served
 - (b) state the particulars of the contravention;
 - (c) specify the amount of the penalty payable in respect of that contravention and the place where the penalty may be paid; and
 - (d) inform the person that he or she must-
 - (i) within 28 calendar days of the date of service of the notice, pay the penalty; or
 - (ii) within 7 calendar days of the notice, inform Council in writing that he or she elects to be tried in court on a charge of having committed an offence.

12. Appeal

- (1) A person whose rights are affected by a decision of an official may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.
- (2) The municipal manager must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (3) When the appeal is against a decision taken by-
- (a) a staff member other than the Municipal Manager, then the Municipal Manager is the appeal authority;
 - (b) the Municipal Manager, then the Executive Committee is the appeal authority; or
 - (c) a political structure or political officer bearer, or a Councillor, then the Council is the appeal authority.
- (4) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.

13. Penalty

A person who contravenes any provision or fails to comply with any provision of this by-law commits an offence and shall on conviction be liable to-

- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and imprisonment; and
- (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
- (c) a further amount equal to any costs and expenses found by the court to have been incurred by Council as result of such contravention or failure.

14. Operation of by-laws

These by-laws are deemed to be in addition to and not in substitution of any by-law in force within the municipality, except where such by-law is in conflict with these by-laws, in which case the provisions of these by-laws shall prevail.

15. Revocation of by-laws

The Louis Trichardt Municipality: By-laws Relating to Parks, Gardens and Open Spaces (as amended), Administrator's Notice 155 of 30 January, 1974 are hereby repealed.

16. Short title and commencement

This By-law is called the Environment (Open Space): Parks, Gardens and Public Open Spaces By-law of the Makhado Local Municipality and shall come into operation on the date of publication thereof in the Provincial Gazette.

LOCAL AUTHORITY NOTICE 209**MAKHADO LOCAL MUNICIPALITY****MUNICIPAL FACILITIES : HIRING OF MUNICIPAL PREMISES AND AMENITIES BY-LAWS****TABLE OF CONTENTS**

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1. Interpretation

In By-laws, unless the context otherwise indicates -

"Activity" means an undertaking, endeavour, project, enterprise or event of a similar nature;

"Amenities" means amenities under the administration and control of the Council and includes all appurtenances;

"Appurtenance" means any fitting, installation, appliance, equipment, device, instrument, apparatus, utensil, tool whatsoever in the premises;

"Authorise official" means an official to whom council has delegated or assigned power or functions;

"Building" means a building which contains a hall, auditorium, theatre, assembly room, amphitheatre, lecture room, concert hall, community centre or similar place of assembly, but does not include a sporting arena;

"Council" means the Makhado Municipal Council, or an authorised official;

"Function" means a reception, gathering, ceremony, occasion or event of a similar nature;

"Hirer" means a person who applies for, pays the prescribed fee, and obtains Council's approval for the use of the amenities;

"Person" means a natural or juristic person, and includes a voluntary association of natural or juristic persons;

"Premises" means a land, a building or a structure or a portion of land, building or structure under control of the Council and on which an activity or function is undertaken, but does not include sporting grounds;

"Prescribed fee" means the fee prescribed in the Schedule to these by-laws.

2. Principals and objectives

Council, as custodian of all buildings and premises under its administration and control, and fully aware of its duty to make all buildings and premises available to the use of the residents in the municipal area, thus supporting and enhancing any efforts by the members of the community to fulfil their aspirations towards social, cultural and religious association, adopts these by-laws which aim at making available and maintaining the buildings for use by the community.

3. Application of By-laws

These by-laws apply to the hiring of any premises or amenities under the control of the Makhado Municipal Council.

4. Legislative framework

These by-laws falls within the legislative framework of the -

- (a) Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

- (b) Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000);
 - (c) Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and
 - (d) Local Government: Municipal Finance Management Act, 2000 (Act No. 56 of 2003).
- 5. Application for Hiring**
- (1) A person who wishes to hire for use premises or amenities, must apply for the reservation thereof, and for these purposes must -
 - (a) complete the necessary application form and comply with all the other requirements and conditions which are specified in the application form;
 - (b) lodge two copies of the application form at the Municipal Manager's offices;
 - (c) obtain Council's approval before he or she makes use of the premises or amenities.
 - (2) An application must be lodged not less than six weeks before the date on which the premises or amenities are required by the person.
 - (3) The application must contain the following particulars:
 - (a) Particulars of the premises or amenities;
 - (b) The period for which the premises or amenities are required;
 - (c) The date and time when the premises or amenities will be vacated;
 - (d) The expected number of people who will be attending the proposed function or activity, and the number of seats to be used;
 - (e) The intended use of the premises or amenities;
 - (f) If food or soft drinks will be sold on the premises;
 - (g) An undertaking by the person who has lodged the application that he or she will comply with all conditions imposed by Council and with the provisions of these by-laws; and
 - (h) An indemnity form, as contemplated in subsection 9.
 - (4) Council, when it considers the application, may have, in addition to other relevant factors, due regard to the following :
 - (a) that the premises or amenities may be used for lawful purposes only;
 - (b) that the use of the premises will not constitute a nuisance or annoyance to other users of the premises or amenities or to the occupiers of neighbouring premises; and
 - (c) that the use of the premises will not constitute a danger to any person or property.
 - (5) Council may approve the hiring of the premises or amenities subject to any condition it may deem expedient, or may refuse consent.
 - (6) Council must, within seven days after the application form has been lodged, in writing notify the applicant if the application has been approved or refused, and -
 - (a) if the application is refuse, Council must supply to the applicant the reasons why the application was refused; or
 - (b) if the application is approved, Council must forward a notice of approval and one set of the application form and other documents that were submitted, to the applicant, and must specify the notice of approval the conditions to which the hiring of the premises or amenities are subject.
 - (7) Council must keep a register which is open to public inspection at all reasonable hours and which contains particulars of : -
 - (a) The application which was made to Council for the hiring of the premises or amenities;
 - (b) The name and address of the applicant;
 - (c) The date of the application;
 - (d) The prescribed fee, as stipulated in the Schedule to these by-laws, for the hiring of the premises or amenities;
 - (e) The decision of Council; and
 - (f) If the application was approved, the conditions relating to the use of the premises or amenities.
 - (8) An applicant may not before Council's approval has been received by him or her, advertise or announce the function or activity for which he or she has lodged an application.
 - (9) On application an applicant must complete and sign an indemnity form in favour of the Council and Council's service providers.

6. Cancellation, Postponement or Extension of Reservation

- (1) A person who has lodged an application for the reservation of premises or amenities, may cancel the application, and the following apply: -
 - (a) If a reservation is cancelled 30 days or more before the date of the reservation, Council must fully refund the hirer with the fee already paid;
 - (b) If a reservation is cancelled less than 30 days but is 15 days or more before the date of the reservation, Council must refund the hirer with 50% of the fee already paid; and
 - (c) If a reservation is cancelled 14 days or less before the date of reservation, the hirer is not entitled to any refund of the fee already paid.
- (2) After approval has been given by Council, a person may apply for the postponement of the reservation to a later date.
- (3) Approval by Council of the postponement does not result in a penalty or forfeiture of any fees already paid.
- (4) Postponement may be refused if the premises or amenities have been reserved for the use by another person or Council.
- (5) A person may apply for an extension of the period of hire, and -
 - (a) the application for extension must be in writing and lodged at the Municipal Manager's offices;
 - (b) the provisions of subsection 5(2) (*Application for hire*) do not apply; and
 - (c) the premises or amenities must be available, in that Council has not reserved the premises or amenities for the use by another person.

7. Council's powers and duties

Council, having regard to the principles and objectives of these by-laws :-

- (a) may, if practical, allow the hirer reasonable access to the premises or amenities before a function or activity commences to enable the hirer to make the necessary preparations for the function or activity;
- (b) may let any other part of the premises for simultaneous use to different hirer;
- (c) shall not render any services free of charge in connection with the hirer's function or activity;
- (d) shall not, before or during the function or activity, provide storage amenities for the storage of any object in connection with the hirer's function or activity;
- (e) may at all reasonable times enter the premises or amenities with the aim of -
 - (i) inspecting the premises or amenities;
 - (ii) ascertaining if the conditions of hire and the provisions of these by-laws are complied with;
 - (iii) maintaining, repairing, or improving the premises or amenities, and for these purposes Council may erect on or bring into the premises any structure of device, and the hirer has no claim to a reduction in fees;
- (f) may remove or direct to be removed from the premises or amenities a person who is intoxicated and whose behaviour is unseemly and causing a nuisance to other people on the premises or to people on or in neighbouring premises, or may instruct the hirer to prevent the entry into the premises of any such person, and failure to abide by the direction or instruction constitutes an offence;
- (g) if an insurance premium is increased as a result of a contravention of subsection 8(20)(m) (*Duties of hirer*), may claim any additional premiums from the hirer, and the hirer must immediately reimburse the Council on receipt of the claim, and Council may, with the aim of covering any anticipated loss or damage which may result from a contravention of subsection 8(2)(m), require the hirer to take up insurance of the premises with an insurance company approved by Council;
- (h) shall decide on the nature of municipal services to be provided to the hirer; and
- (i) may authorise an official to attend a function or activity to ensure compliance with the provisions of these by-laws.

8. Duties of Hirer

- (1) Before a hirer commences to use the premises or amenities, he or she must inspect the premises or amenities and all appurtenances, and should he or she find that the

appurtenances are in a state of disrepair, he or she must immediately report the fact to Council, and failure to do so is deemed as an acceptance by the hirer that all the appurtenances are in a proper condition.

(2) The hirer : -

- (a) may not use the premises or amenities for any other purpose than that for which approval was given;
- (b) may not use any premises or amenities for which approval was not given;
- (c) may not use the premises or amenities unless he or she has fully paid the fees;
- (d) may not sub-let the premises or amenities;
- (e) may not allow another person to occupy the premises;
- (f) may not without the approval of Council first having been obtained, cede, pledge or renounce in favour of another person any of the rights or obligations under these by-laws;
- (g) may not remove any appurtenances or any other property of Council from the premises;
- (h) may not drive or screw nails, screws or similar objects into the walls, doors or in any other place or into any object belonging to Council, on the premises;
- (i) may not apply paint to any window or on any appurtenance or other object belonging to Council, on the premises;
- (j) may not interfere or tamper with any electrical installation or appliance on the premises;
- (k) must ensure that persons attending an function or activity for which purpose the hirer has hired the premises or amenities, behave in a seemly manner and does not cause a nuisance to other occupiers of the premises or amenities, or neighbouring premises;
- (l) if he or she has on his or her request been supplied, by Council, with table's and chairs for use during the function or activity, may not remove the equipment from the premises;
- (m) may not bring, allow or cause another person to bring onto, or may not keep or allow to be kept on, or may not undertake or allow any activity onto or on the premises or amenities any matter or thing which may invalidate or invalidates any insurance policy of the building or which may increase or increases the premium;
- (n) must, before vacating the premises or amenities, remove any article affixed or erected by him or her, such as, but not limited to flags, advertisements, posters, notices, signs and decorations;
- (o) should the function or activity requires the use of ushers, provide the ushers;
- (p) must control the admission of people to the premises or amenities, and, if applicable, the sale of tickets;
- (q) must ensure that at no time overcrowding takes place, and must adhere to the conditions, in the notice of approval, regarding the number of seats and persons allowed;
- (r) may not sell food or soft drinks on the premises or amenities without Council's approval, except if such activity forms an integral part of the function or activity;
- (s) ensure, at all times, that the premises or amenities are kept in a clean, sanitary and tidy condition;
- (t) must take the necessary precautions to keep drains, water installations, and sewage pipes clean and free of blockages, and must maintain these in such condition;
- (u) may not park or store or allow to be parked or stored any vehicle or object which may hamper the uninhibited access to or exit from an entrance, passage, and entrance hall;
- (v) may not allow the parking of vehicles anywhere else on the premises except than in the demarcated parking areas;
- (w) must comply with Council's fire protection regulations;
- (x) comply and ensure compliance by a person attending the function of activity, of any instruction issued by an authorised official of Council;
- (y) may not bring into or keep on the premises or amenities or affix onto anything in the premises or amenities any object which is unsafe or which, due to its weight or size,

- (z) may damage the premises or amenities; and
 - (z) may not bring onto or allow the bringing onto the premises by any person a fire-arm, knife, or any dangerous weapon of whatever kind.
- 9. Termination of Hire**
- (1) On termination of the hire the hirer and an authorised official of Council must, for the purpose of assessing the conditions of the premises or amenities, inspect the premises or amenities.
- (2) The hirer must :-
 - (a) return the premises or amenities to Council in the condition as when they were hired out to him or her;
 - (b) repair any damage or breakages;
 - (c) comply with any instructions by Council in respect of the cleaning of the premises or amenities; and
 - (d) vacate the premise or amenities within the period stated in the application form; and should the hirer fail to comply with –
 - (i) any of the provision of above (a), (b) or (c), Council may, replace, repair or make good any broken, missing or damaged appurtenances, appliances or any other object on the premises or amenities, and recover the costs from the deposit and balance from the hirer; and
 - (ii) any of the provision of above (d), Council may levy an additional fee for the period during which the hirer occupies the premises or amenities after the expiry of the period stipulated in the application form.
- (3) Council may cancel the hire of the premises or amenities under the following circumstances :-
 - (a) The premises or amenities are substantially unusable due to :-
 - (i) destruction;
 - (ii) severe damage;
 - (iii) the absence of municipal services;
 - (b) the premises or amenities constitute a danger to human life or property; or
 - (c) should Council requires the premises or amenities for municipal purposes at the same time, however, Council may refund the fees that have already been paid to it in respect of the reservation.
- (4) Should Council decide to cancel a reservation, Council must, within a reasonable time notify, in writing, the hirer of its decision, however, in the instance where a notice is given in terms of paragraph (a), the notice is deemed to be effective as from the date on which the destruction or damage took place.
- (5) Subject to the provisions of paragraph (3)(c), a hirer has no claim against Council for loss of use of the premises or amenities or for damage arising from a cancellation in terms of subsection (3).
- (6) Council reserves the right to cancel a booking should the premises or amenities be required for municipal purposes at the same time, and Council is not liable to pay compensation to the hirer should it, for these purposes, cancel a booking, however, Council may refund the charges that have already been paid to it in respect of the application.
- 10. Limitation of Liability**
- (1) Council is not liable for :-
 - (a) any theft, or loss or, or damage to any object whatsoever which the hirer or anyone else kept or deposited on the premises;
 - (b) any loss suffered by the hirer or anyone else arising from a failure or defect of amenities on the premises;
 - (c) any loss or damage suffered by, or shall not compensate the hirer or anyone else as a result of an interruption or insufficient supply of municipal services to the premises, or as a result of any activity by Council as contemplated in section 7(g)(iii) (*Powers of Council*); and
 - (d) any consequential loss, arising from whatever cause, suffered by the hirer or anyone else who makes use of the premises or amenities.
- 11. Appeal**
- (1) A person whose rights are affected by a decision of an official may appeal against that

- decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.
- (2) The Municipal Manager must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision;
 - (3) When the appeal is against a decision taken by :-
 - (a) a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority;
 - (b) the Municipal Manager, the Executive Committee is the appeal authority.
 - (4) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.
- 12. Notice of contravention**
- (1) The Council may serve a notice of contravention on a person who has committed an offence in terms of these by-laws.
 - (2) A notice of contravention must –
 - (a) specify at the time when the notice is issued, the name and residential and postal address, if either or both of these be known, of the person on whom the notice is served
 - (b) state the particulars of the contravention;
 - (c) specify the amount of the penalty payable in respect of that contravention and the place where the penalty may be paid; and
 - (d) inform the person that he or she may, within 28 calendar days of the date of service of the notice –
 - (i) pay the penalty;
 - (ii) inform Council in writing that he or she elects to be tried in court on a charge of having committed an offence.
 - (2) If a person elects to be tried in a court he or she must, within seven calendar days, notify the Council of his or her intention.
- 13. Penalties**
- A person who contravenes any provision or fails to comply with any provision of this by-law commits an offence and shall on conviction be liable to-
- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and imprisonment; and
 - (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
 - (c) a further amount equal to any costs and expenses found by the court to have been incurred by Council as result of such contravention or failure.
- 14. Revocation of by-laws**
- The Standard By-laws relating to Hiring of Municipal Premises and Amenities are hereby repealed.
- 15. Short title and commencement**
- This by-law shall be known as the Makhado Local Municipality: Municipal Facilities, Hiring of Municipal Premises and Amenities By-Laws and shall come into operation on the date of publication thereof in the Provincial Gazette.

LOCAL AUTHORITY NOTICE 210**MAKHADO LOCAL MUNICIPALITY****MUNICIPAL FACILITIES: SPORT FACILITIES BY-LAWS****TABLE OF CONTENTS****Section**

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Schedules**1. Definitions**

In this Part, unless the context otherwise indicates –

"accessories" means an object or objects on or in a field, sporting area or course necessary for a particular sport to be performed, such as, but not limited to goal posts, a tennis net, or a flag, and any other feature or fixture;

"appurtenance" means any fitting, installation, appliance, device, instrument, apparatus, utensil, tool whatsoever in the premises, such as, but not limited to a lock, cock, tap, valve, pipe and includes any other appliance or any machine;

"Council" means the Council of the Makhado Municipality and includes any duly authorized political structure or political office bearer as defined in the Local Government: Municipal Structures Act, 1998 or official thereof;

"equipment" means a gear used by a person in a sporting activity, such as but not limited to a racket, bat, club or ball;

"official" means an official appointed in terms of section 5(7);

"notice" means a notice as contemplated in section 5(5);

"organized sporting activity" means a sporting activity that is organized or controlled by an organization, and includes a practice or training session;

"organization" means both an amateur or professional sport club, educational institution, or association of people, and includes a group or sport club established by Council, which sport club or association or group can be joined by a member of the public;

"prescribed fee" means the fee as contemplated in section 7;

"sporting activity" means an activity pursued in a sporting facility;

"sport facility" means any land, area, premises, building or structure, or part of any land, area, premises, building or structure, which is administered or controlled by Council and which is designated, demarcated, or set aside for a sporting activity such as, but not limited to a sporting arena, a stadium, a pitch, a field, a

ring, a dome, an amphitheatre, a tennis or squash court, a complex of such courts, a soccer, cricket, or rugby field or a complex of such fields, a public swimming pool, a golf links or course, an ice rink, or any combination of such facilities, and includes facilities surrounding and normally supplementary to a sport facility.

2. Principles and objectives

Council, as custodian of all sport facilities within its jurisdiction, recognizes the right of members of the community, whether associated to an organization or not, to the use and enjoy the sport facilities, and accepts the statutory duty maintain and develop the resources of Council to the best interest of the community, and aims, in these by-laws –

- (a) to continually assess the use and potential use of existing sport facilities
- (b) to maintain existing sport facilities and develop new sport facilities; and
- (c) to control and administer sport facilities in a manner corresponding to its integrated environmental and tariffs policies.

3. Application of By-laws

These by-laws apply to all sporting facilities in the Makhado Local Municipality and under control and administration of Council, but do not apply to land, areas, buildings, and structures regulated by the Open Spaces By-laws.

4. Legislative framework

These by-laws fall within the legislative framework of the-

- (a) Criminal Procedure Act, 1977 (Act No 51 of 1977);
- (b) Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996);
- (c) National Environmental Management Act, 1998 (Act No 107 of 1998);
- (d) Local Government Municipal Systems Act, 2000 (Act No 32 of 2000); and
- (e) Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000).

Chapter 1

Administration, access, fees, and prohibited behavior

5. Administration, control over, and maintenance of sport facilities

- (1) Council may establish a body or sport committee with the aim of advising Council on matters such as, but not limited to the management, integration and control of sport facilities, and may approach sport bodies active in the municipal area to elect from their members representatives to serve on the body or committee, and the body or committee, once established, must determine and define its functions, powers and procedures, and Council may elect to establish a club or group for any group activity on or in a sport facility.
- (2) All sport facilities must be administered by Council in accordance with these By-laws.
- (3) Council may, in the interest of the community, and in terms of its powers and functions in applicable legislation, acquire land or a building with the aim of developing sport facilities, or dispose of existing sport facility or rights thereto.
- (4) A person who makes use of sport facilities does so subject to the provisions of these by-laws and in terms and conditions as may be determined by Council from time to time, or subject to any conditions which Council may impose in terms of section 10 in the instance where the sport facilities are hired.
- (5) A notice posted by Council in terms of these by-laws –
 - (a) must be clearly visible and readable;
 - (b) must be posted in a conspicuous place;
 - (c) must be written in the language or languages as Council may determine; and
 - (d) may contain a graphic representation to convey meaning.
- (6) Where an organized sporting activity is not organized or controlled by Council, a Council employee may be present.
- (7) Council must, in terms of its powers to delegate functions and duties, appoint a person as official to administer and control all sport facilities, or a person as official to administer and control one particular sport facility, and the official must maintain a programme which contains the dates and particulars of all sporting activities to be engaged in on the sport facilities, including the dates and particulars of reservations of a particular sport facility for use by an organization.

- (8) Subject to the terms and conditions stipulated in any contract of hire, and subject to any applicable national laws, no person –
 - (a) may sell any alcoholic beverage on the premises of a sport facility without first obtaining express approval for that activity from Council;
 - (b) may not bring his or her own supply of alcoholic beverages on or into a sport facility without written authority from an authorized official;
 - (c) who is under 18 years of age may be sold or served with, or is allowed to consume any alcoholic beverage, and the organization in charge of the sport facility is responsible for ensuring the strict observance at all times of this provision.
- (9) If Council permits the sale of consumption of alcohol on or in a sport facility, the sale or consumption is subject to the following conditions:
 - (a) No alcoholic beverage may be served in a glass bottle, cup or container;
 - (b) Beer, cider and alcoholic cordials may be served in cans, kegs, or plastic cups only;
 - (c) The organization must maintain good order and socially;
 - (d) Acceptable behavior within the sport facility.
- (10) Council may close, for such period as Council deems necessary, a sport facility under the following circumstances:
 - (a) The sport facility is substantially unusable due to –
 - (i) destruction;
 - (ii) severe damage; or
 - (iii) the absence of municipal services;
 - (b) the sport facility constitutes a danger to human life or property;
 - (c) a situation of emergency has arisen which renders such closure necessary or desirable.
- (11) Council may at any time temporarily close a sport facility to members of the public for purposes of repair or maintenance, or if the sport facility has been hired to an organized group, or for any reason in Council's discretion.
- (12) A person who or organization that contravenes subsection (8) or (9) commits an offence.

6. Access to sporting facilities and storage facilities

- (1) Council may by notice posted at or near the entrance to a sport facility indicate the hours during which the sport facility may be used by members of the public.
- (2) Council, at all times, reserves the right of access to a sport facility, and an official may instruct a person who has contravened a provision of these by-laws to leave the sport facility or premises immediately and should the person fail to observe the instruction, the official may remove or cause the person to be removed from the sport facility or premises.
- (3) Council has the right to determine the maximum capacity of a sport facility, and an official must, once the maximum capacity has been reached, refuse further access into the sport facility by:
 - (a) Closing all entrances to the sport facility;
 - (b) Posting, at one or more entrances, a notice on which it is stated that the sport facility is closed and that further access to the sport facility is prohibited; and
 - (c) if necessary, barring access to the sport facility by means of the construction, at all entrances to the sport facility, of blockades, fences, barriers or similar means.
- (4) (a) Where storage facilities for the storage of clothes or items are available on the premises of a sport facility, only a person who intends engaging in a sporting activity for which provision is made in the sport facility, may –
 - (i) ask the official in charge of the sport facility for a container in which to store his or her clothes or personal items, and should the container be available the official must provide it to the person free of charge for the period during which the person is engaging in the sporting activity; and
 - (ii) deposit the container for safekeeping at a place designated by the official may direct and the official must in return give to the person a token bearing a mark by means of which the container is identified.
- (b) The official must, when the person surrenders the token, return the container and its contents to the person.

7. Admission fees and other fees

(1) Council may, in accordance with its tariff policy, prescribe –

- (a) fees to be charged for admission to or the hire or use of a sport facility or equipment;
- (b) such other fees as are contemplated in these By-laws, and may from time to time vary in whole or in part the prescribed fees, which fees are stipulated in the Schedule 1.

(2) In prescribing fees, or in amending them from time to time, Council may prescribe and levy differential fees, or may direct that no fees are payable for the use of a sport facility, and must, when prescribing the fees, consider the following factors:

- (a) The principles and objectives of these by-laws;
- (b) the nature of the use;
- (c) the sport facility
- (d) the economic status of the people in the community in which the sport facility is located; and
- (e) any information which may influence Council in its consideration.

8. Prohibited behavior in or on a sport facility or its premises

(1) No person may –

- (a) enter into a sport facility or any part thereof otherwise than by an entrance designated for that purpose;
- (b) enter or remain inside a sport facility, without permission, or at any time other than during the hours when such sport facility is open to members of the public, or when access to the sport facility has been denied;
- (c) smoke in a sport facility, except in an open air sport facility, such as golf links, or in those areas in the sport facility which have been specifically designated for this purpose, as indicated by notices to that effect;
- (d) wear unsuitable apparel for the sporting activity in which he or she is engaged in, and a person must observe the instructions of an official if asked to change his or her apparel to suit the particular sporting activity;
- (e) wear footwear that may damage the surface of a sport facility in any manner;
- (f) attend or engage in a sporting activity if dressed indecently or if undressed, except in a change room or ablution facility set aside for use by a person of the same sex;
- (g) relieve him or herself in any part of the sport facility other than in the ablution facilities provided for that purpose and for use by members of his or her own sex;
- (h) excluding a child under the age of five years, use change rooms, places of ablution, cubicles, or any other facilities set aside for a particular sex if he or she is not of that particular sex;
- (i) simultaneously share with another person of a different sex change rooms, places of ablution, cubicles, or any other facilities;
- (j) enter or remain in any area of the sport facility, which area is reserved for the use of persons of the other sex;
- (k) use a change rooms, places of ablution, cubicles, or any other facility for longer than is reasonably necessary to undertake an activity intended to be undertaken in the change room, places of ablution, cubicles, or any other facility;
- (l) use profane or indecent language or behave in any other manner which constitutes a nuisance or unacceptable behavior towards other persons inside or on a sport facility;
- (m) destroy, damage or deface any part of a sport facility, accessories or equipment;
- (n) discard rubbish such as, but not limited to bottles, plastic cups and plates, tin cans, paper, fruit and rinds, or any other object that may interfere with the cleanliness of the sport facility in any other place in a sport facility than in a container provided for that purpose;
- (o) annoy, endanger, injure or harm any other person inside a sport facility, whether such person is engaging in a sporting activity or not;
- (p) in any manner, interfere with the substance covering the surface of a sport facility, such as, but not limited to turf, sand, or gravel;
- (q) light any fire or do any act which may cause a substance or thing to catch fire inside a sport facility, or which does not comply with Council's fire protection regulations;
- (r) drive, draw, or propel a vehicle, whether motorized or not, except a perambulator or wheel chair, or walk upon or recline on lawn on the premises of a sport facility, except if allowed to do so by a notice of Council on the premises;

- (s) ride or use in or on a sport facility a bicycle, rollerblades, roller-skates, a skateboard, a tricycle or any similar form of transport or amusement;
- (t) without the prior written consent of an official, sell, hawk, advertise, offer for sale or offer for purchase or exhibit any article for sale, lease or hire, distribute a pamphlet, book, handbill or other written or printed matter inside a sport facility or in the immediate vicinity of the entrance thereto;
- (u) neither inside nor outside a sport facility, obstruct, resist or in any manner interfere with an official in the execution of his or her duties or the exercise of any authority in terms of these by-laws;
- (v) tamper with or in any manner interfere with any appurtenance in or on the premises of a sport facility;
- (w) Bring into or keep on a sport facility an animal, except a guide dog, without the prior consent of Council unless the sporting activity engaged in involves the use of animals;
- (x) bring or keep into or on a sport facility a traditional weapon, firearm, or any other dangerous weapon, and should a person be found, before admission or after admission to the sport facility, to be in possession of a traditional weapon, firearm, or any other dangerous weapon –
 - (i) the person must, if he or she insists on entering or remaining in the sport facility, surrender the traditional weapon, firearm, or dangerous weapon to an official on request of the official;
 - (ii) the official must keep in a storage facility, if such facility is available on the premises of the sport facility, the traditional weapon, firearm, or dangerous weapon in custody for the period during which the person is on the premises of the sport facility; and
 - (iii) The official must return the traditional weapon, firearm, or dangerous weapon to the person when the person leaves the premises of the sporting facility.

However, if a storage facility as contemplated in (ii) is not available, the person may not enter into or remain in or on the sport facility and must observe an instruction by the official to effect that he or she may not enter the sport facility or that he or she must immediately leave the premises.
- (z) without the prior written permission of Council and subject to such fee as Council may require, film or photograph any event in the sport facility for reward, whether anticipated or not;
- (aa) erect or attempt to erect any enclosure, tent or similar construction, stall, booth, stand, screen, fence, or drive into the ground any peg or spike without the permission of the official in charge of the sport facility;
- (ab) behave or conduct himself or herself in a manner which may prejudice good order;
- (ac) bring into or onto the premises of a sport facility any substance or matter which may endanger the safety of people in the sport facility, or which may be used to disrupt proceedings at or spoil the peaceful enjoyment of the sport facility;
- (ad) behaves or conducts himself or herself in a manner which may disrupt a sporting activity;
- (ae) willfully fail to comply with a lawful instruction given by an official.
- (2) Should a person contravene a provision in this section, the official may serve or caused to be served a notice of contravention on the person.
- (3) A person who contravenes any of the provisions of this section commits an offence.

Chapter 2 Organized sporting activity

9. Organized sporting activities

- (1) An organization must provide each of its registered members who will participate in an organized sporting activity for which use will be made of a sport facility, with a membership card on which is displayed –
 - (a) The name and identification number of the member;
 - (b) the particular sporting activity of the organization and in which the member participates;
 - (c) the expiry date of the member's membership,

And failure to provide a registered member with a membership card, constitutes an offence.

- (2) A member must, at the request of an official, produce his or her card, and failure to do so constitutes an offence.
- (3) A member must ensure that his or her membership card is renewed before the date contemplated in (12)(c).
- (4) Should a member lose a membership card that was issued by Council, Council may replace the card and may charge prescribed fee for replacement.
- (5) A member may not transfer the membership card to another person or allow it to be used by another person, and should a member transfer a membership card to another person, or allow a membership card to be used by another person, the member commits an offence.
- (6) Organized sporting activities may be organized and controlled by organizations, municipal staff, or other persons such as, but not limited to free lance instructors.
- (7) An organization to which a sport facility or a portion thereof has been allocated for use at regular times, must ensure that its members make use of the sport facility at those times, and should it be impossible for the members of an organization to make use of the sport facilities at those times, the organization must notify beforehand the official in charge of the sport facility, and should an organization fail to do so, Council may suspend or cancel the organization's further use of the sport facility.
- (8) An organization may not, without the permission of the official in charge, alter the program, and should an organization do so, Council may suspend or cancel the organization's further use of the sport facility.
- (9) A person who, for whatever reason, has been suspended from participating in an organized sporting activity, may not enter the sport facility in which the sporting activity from which he or she has been suspended, are undertaken, and may only enter the sport facility once the suspension has been raised, and should a person enter the sport facility in breach of this subsection, he or she commits an offence.
- (10) An organization that has invited a person as guest to attend or participated in a sporting activity, must supply the person with a temporary membership card which contains the information stipulated in subsection (1) (a) and (b) and which stipulates the specific date of the activity to which the person has been invited, and such person is deemed to be member of the organization.

10. Reservation and hiring of sporting activities

- (1) Council reserves the right to set aside or hire out, for the purpose of organized sporting activities, a sport facility on occasions for special purposes on such conditions as it may prescribe and Council may charge a fee, as prescribed in the Schedule 1, for the use of the sport facility, or may make it available free of charge on such occasions or grant free admission to selected persons.
- (2) The representative of an organization that wishes to hire for use a sport facility for the purpose of hosting an organized sporting activity, must lodge an application form to reserve the sport facility, and for these purposes must –
 - (a) Complete the necessary application form and comply with all the other requirements and conditions which are specified in the application form;
 - (b) Lodge two copies of the application form at the Municipal Manager's offices; and
 - (c) Obtain Council's approval before the organization makes use of the sport facility.
- (3) An application must be lodged not less than six weeks before the date on which the sport facility is required by the organization.
- (4) The application must contain the following:
 - (a) Particulars of the sport facility, or part thereof intended to be used;
 - (b) Particulars of the period for which the sport facility is required;
 - (c) Particulars of the date and time when the sport facility will be occupied and vacated;
 - (d) Particulars of the expected number of people who will be attending the organized sporting activity;
 - (e) Particulars of the intended use of the sport facility;
 - (f) An undertaking by the organization that has lodged the application that the organization will comply with all conditions imposed by Council and with the provisions of these by-laws;
 - (g) an indemnity that Council is not liable for any loss, damage or injury, direct or indirect, arising out of the organization's use of the sport facility; and

- (h) an indemnity against any claim made by a member of the public against Council resulting from the use of the premises while under the control of the organization, which indemnity extends to any expense which Council may incur in relation to any such claim.
- (5) Council, when it considers the application, may have, in addition to other relevant factors, due regard to the following:
 - (a) The principles and objectives of these by-laws;
 - (b) That the sport facility may be used for lawful purposes only;
 - (c) That the use of the sport facility will not constitute a nuisance or annoyance to other users of another part of the sport facility which has not been hired by the organization, or the occupiers of neighboring premises; and
 - (d) That the use of the sport facility will not constitute a danger to any person or property or negatively affect the environment.
- (6) Council may approve the use of the sport facility subject to any condition it may deem expedient, or may refuse consent.
- (7) Council must, within seven days after the application form has been lodged, in writing notify the organization if the application has been approved or refused and –
 - (a) If the application is refused, Council must supply to the organization the reasons why the application was refused; or
 - (b) If the application is approved, Council must forward a notice of approval and one set of the application form to the organization, and must specify in the notice of approval the conditions to which the use of the sport facility is subject.
- (8) Council must keep a register which is open to public inspection at all reasonable hours and which contains the following particulars of the sport facility for the use of which approval was granted:
 - (a) The application which was made to Council for the use of the sport facility;
 - (b) The name and address of the organization;
 - (c) The date of the application;
 - (d) The prescribed fee, stipulated in the Schedule 1 to these by-laws, for the use of the sport facility, if a fee is payable;
 - (e) The conditions relating to the use of the sport facility.
- (9) An organization may not, before Council's approval has been received by it, advertise or announce the sporting activity for which it has lodged an application.
- (10) Council may, before it approves an application, require of an organization that wishes to make use of a sport facility to take out, with an insurance company approved by Council –
 - (a) Insurance in an amount approved by Council to cover any structural damage which may occur to the sport facility whilst being used by the organization; and
 - (b) Public liability insurance in respect of death or injury of any person that may occur during or as a consequence of an organized sporting activity undertaken during the period of hire.
- (11) An organization which supplies false information in the application form or with respect to the requirements in subsection (10) or which contravenes subsection (9) commits an offence.

11. Cancellation, postponement or extension of reservation

- (1) An organization who has lodged an application for the reservation of a sport facility, may cancel the application, and the following apply in the instance where the organization has paid the fee as contemplated in subsection 10(8) (d):
 - (a) If a reservation is cancelled 30 days or more before the date of the reservation, Council must fully refund the organization with the fee already paid;
 - (b) if a reservation is cancelled less than 30 days but 15 days or more before the date of the reservation, Council must refund the organization with 50% of the fee already paid; and
 - (c) If a reservation is cancelled 14 days or less before the date of reservation, the organization is not entitled to any refund of the fee already paid.
- (2)
 - (a) After approval has been given by Council, an organization may apply for the postponement of the reservation to a later date.
 - (b) Approval by Council of the postponement does not result in a penalty of forfeiture of any fees already paid.
 - (c) Postponement may be refused if the sport facility has been reserved for the use by another organization or Council.

- (3) An organization may apply for an extension of the period of use of the sport facility, and –
 - (a) the application for extension must be in writing and lodged at the Municipal Manager's offices; and
 - (b) the sport facility must be available, in that Council has not reserved the sport facility for the use by another organization.
- (4) Council may at short notice or otherwise cancel the hire of the sport facility under the circumstances contemplated in section 5(1), or should Council require the sport facility for municipal purposes at the same time, however, Council may refund the fees that have already been paid to it in respect of the reservation; or
- (5) Should Council decide to cancel a reservation, Council must, within a reasonable time notify, in the organization of its decision, however, in the instance where a notice is given in terms of subsection 5(10), the notice is deemed to be effective as from the date on which the destruction or damage took place.
- (6) Subject to the provisions of subsection (4), an organization has no claim against Council for loss of use of the sport facility or for damage arising from a cancellation in terms of subsection (4).
- (7) Council reserves the right to cancel a booking should the sport facility be required for municipal purposes at the same time, and Council is not liable to pay compensation to the organization should Council, for these purposes, cancel a booking, however, Council may refund the changes that have already been paid to it in respect of the application.

12. Termination of hire

- (1) On termination of the hire the organization and the official must, for the purpose of assessing the conditions of the premises or amenities, inspect the premises or amenities.
- (2) The organization must –
 - (a) return the sport facility to Council in the condition as when they were hired out to the organization;
 - (b) repair any damage or breakages;
 - (c) comply with any instructions by Council in respect of the cleaning of the sport facility; and
 - (d) vacate the sport facility within the period stated in the application form,
 And should the organization fail to comply with –
 - (i) (a), (b) or (c), Council may replace, repair or make good any breakages, broken, missing or damaged appurtenances, appliances or any object on the sport facility, recover the costs from the organization; or
 - (ii) (d), Council may level an additional fee for the period during which the organization occupies the sport facility after the expiry of the period stipulated in the application form.

13. Duties of organization

- (1) Before an organization commences to use the sport facility, a representative of the organization must inspect the sport facilities, and should he or she find that buildings, structures, accessories or equipment in and on the sporting facilities are in a state of disrepair, he or she must immediately report this fact to Council, and failure to do so is deemed as an acceptance by the organization that the facilities are in a proper condition.
- (2) The organization must take all reasonable measures to ensure that its members and persons attending a sporting activity, as participants, visitors or spectators, comply with section 8 and, furthermore –
 - (a) may not use the sport facilities for any other purpose than that for which approval was given;
 - (b) may not use sport facilities for which approval was not given;
 - (c) may not use the sport facilities unless it has fully paid the fees, if stipulated;
 - (d) may not sub-let the sport facilities;
 - (e) may not allow another organization to use the sport facilities;
 - (f) may not without the approval of Council first having been obtained, cede, pledge or renounce in favor of another organization any of the rights or obligations under these by-laws;
 - (g) may not allow any accessories or any other property of Council to be removed from the sport facilities;

- (h) may not allow any accessories or any property of Council to be removed from the sport facilities;
- (i) may not allow a person to apply paint to any windows or on any accessory or other object belonging to Council, on the premises;
- (j) may not interfere or tamper with any electrical installation or appliance on the sport facility;
- (k) must ensure that persons attending a sporting activity for which purpose the organization has hired the use of the sport facilities, behave in a seemly manner and do not cause a nuisance to other users of the sport facilities or neighboring premises;
- (l) if it has on its request been supplied, by Council, with equipment for use during the sporting activity, may not remove the equipment from the sport facility;
- (m) may not allow a person or cause a person to bring onto, or may not allow to be kept on, or may not undertake or allow any activity onto or in the sport facility any matter, thing or activity which may invalidate or invalidates any insurance policy of the building or facility or which may increase or increases the premium;
- (n) must, before vacating the sport facility, remove any article affixed or erected by it, such as, but not limited to flags, advertisements, posters, notices, signs and decorations;
- (o) should the sporting activity requires the use of ushers, provide the ushers;
- (p) must control the admission of people to the sport facility, and, if applicable, the sale of tickets;
- (q) must ensure that at no time overcrowding takes place, and must adhere to the conditions, in the notice of approval, regarding the number of seats and persons allowed;
- (r) may not allow the sale of food or soft drinks in the sport facility without Council's consent;
- (s) ensure, at all times, that the sport facilities are kept in a clean, sanitary and tidy condition;
- (t) must take the necessary precautions to keep drains, water installations, and sewage pipes clean and free of blockages, and must maintain these in such condition;
- (u) may not park or store or allow to be parked or stored any vehicle or object which may hamper the uninhibited access to or exit from an entrance, passage, building or structure;

Chapter 3 Miscellaneous provisions

14. Enforcement

- (1) An official may search any person, vehicle or container in, entering into or being brought onto a facility.
- (2) An official may confiscate liquor, a traditional weapon, firearm, or any dangerous weapon; or any substance or matter which may endanger the safety of people in the sport facility, or which may be used to disrupt proceeding at or spoil the peaceful enjoyment of the sport facility, found as a result of the search conducted in terms of subsection (1), and must return to the person that which was confiscated from him or her when he or she leaves the sport facility.
- (3) If the official finds an unlawful substance as a result of the search contemplated in subsection (1), he or she must immediately alert the South African Police Services, or if he or she is appointed as a peace officer in terms of the Criminal Procedure Act, 1977 (Act No 51 of 1977), he or she may act in terms of the Act.
- (4) If a person contravenes a provision of these by-laws, an official may serve or caused to be served a notice of contravention on the person.

15. Notice of contravention

- (1) Council may serve a notice of contravention on a person who committed an offence.
- (2) A notice of contravention must –
 - (a) specify, at the time when the notice is issued, the name and residential and postal address, if either or both of these be known, of the person on whom the notice is served;
 - (b) state the particulars of the contravention;
 - (c) specify the amount of the penalty payable in respect of that contravention and the place where the penalty may be paid; and
 - (d) inform the person on whom the notice was served that he or she may, within 28 calendar days of the date of service of the notice –
 - (i) pay the penalty; or

- (ii) inform Council in writing that he or she elects to be tried in court on a charge of having committed an offence.
- (3) If the person elects to be tried in court he or she must, within seven calendar days, notify Council of his or her intention.

16. Indemnity

Any person, including a child, whether or not accompanied by a parent, tutor or guardian, and including a mentally or physically handicapped person, whether or not accompanied by another person, visiting or using the premises of a sport facility, including any appliance, equipment, apparatus or storage facility thereon, does so at his or her own risk and Council shall not be liable for any personal injury or loss of or damage to the property of such person, howsoever arising, which such person may suffer while on the premises, for whatsoever reason, of a sport facility.

17. Appeal

- (1) A person whose rights are affected by a decision of an official may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.
- (2) The municipal manager must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (3) When the appeal is against a decision taken by -
 - (a) a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority;
 - (b) the Municipal Manager, the Executive Committee is the appeal authority.
- (4) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.

18. Penalty

A person who or organization who contravenes any provision or fails to comply with any provision of this by-law commits an offence and shall on conviction be liable to-

- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and imprisonment; and
- (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
- (c) a further amount equal to any costs and expenses found by the court to have been incurred by Council as result of such contravention or failure.

19. Revocation of By-laws

The By-laws previously made by Council or its constituent predecessors in respect of any portion of the area of the Makhado Municipality, are hereby revoked, to the extent set out in Schedule 2 hereto.

20. Short title and commencement

This by-law shall be known as the Makhado Local Municipality: Municipal Facilities, Sport Facilities By-Laws and shall come into operation on the date of publication thereof in the Provincial Gazette.

SCHEDULE 2**Part 1**

By-laws relating to swimming pools

- (1) Municipality of Louis Trichardt: Swimming Bath By-laws Notice 636 dated 29 September, 1948;